

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2083 of 2021**

Arising Out of PS. Case No.-129 Year-2019 Thana- MAHILA P.S. District- Araria

MD. TABREJ @ MD. TAVREJ son of Md. Mojim Resident of Village-  
Ramghat, Koshkapur, Ward No. 9, P.S. Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr.Mritunjay Kumar, Advocate.      |
| For the State        | : | Mr. B. N. Pandey, APP.             |
| For the Informant    | : | Mr. Jitendra Kumar Giri, Advocate. |

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      24-05-2021                      Heard the parties in virtual Court.

The petitioner is languishing in custody for the offence punishable under Sections 376/313/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Allegation is of physical exploitation of the informant on the pretext of marriage.

Learned counsel for the petitioner submits that the informant is a major and was in relationship being aware of the consequences of pre-marriage relationship. Moreover, the parties have entered into a compromise and both have married with some other partner. Investigation of the case is already complete.

Mr. Jitendra Kumar Giri, learned counsel for the informant submits that the victim gave consent due to false



assurance of the petitioner, hence the consent was obtained by fraud.

There is no material to substantiate that at the initiation of relationship, the petitioner had made any false assurance. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Mahila P.S. Case No. 129 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

**(Birendra Kumar, J)**

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