

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9457 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- NAANPUR District- Sitamarhi

Md. Adil @ Md. Khan Son Of Md. Tufail Khan Resident Of Village- Koily,
P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma
	:	Mr. Anuj Kumar
For the Opposite Party/s	:	Mr. Amit Kumar Jha
	:	Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2021 Heard learned senior counsel Mr. Y.C. Verma for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Nanpur P.S. Case No. 340 of 2020 registered for the offence punishable under Sections 341, 323, 354, 376, 379, 504, 506/34 of the Indian Penal Code.

Allegation against the petitioner is that he in association with other co-accused forced the informant to abort their child. Earlier the petitioner was in love relationship with the informant and on the promise of marriage he established physical relation with her.



It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is contradiction in the statement of victim under Section 164 of the Cr.P.C. and statement recorded in the F.I.R. as she said that petitioner was her neighbour and for last five years she was having talk with him. He submits that the allegation relating to physical relationship is accepted to be true, the same was consensual. He submits that there is delay of four days in lodging the F.I.R., without assigning any plausible reason for the said delay, which shows the falsity of the allegation. He further submits that the statement made under Section 164 of Cr.P.C. shows that she asked the petitioner to marry but he refused thereafter she is pressurizing for marriage and on his refusal she got married with another person. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 06.10.2020.

Learned APP for the State and learned counsel for the informant opposed the bail prayer submitting that petitioner has made false promise to solemnize marriage with the informant and established physical relationship with her but he refused to solemnized marriage, hence, the petitioner does not deserve bail.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five 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 Nanpur colony P.S. Case No. 340 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

