

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2625 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- DARBHANGA District-
Darbhanga

ABUZAR GHAFARI @ GOLDEN @ ABUZAR GHAFAIRI @
GOLDEN Son of Md. Zubair Alam Resident of Village- Kumai, P.S. -
Ghanshyampur, District – Darahbnaga.
Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jagriti Choudhary D/o Late Hira Choudhary Professor Colony, Dighi West
Ward No. 1, P.S. Town, District - Darbhanga. At present R/o Village-
Phulkahi, P.O. and P.S. Raiyam, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 27-09-2022

Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Darbhanga Town P.S. Case no. 238 of 2021 instituted for the
offence under Sections 376, 420 and 34 of the Indian Penal Code.

As per allegation in the FIR,petitioner had established
physical relationship on the pretext of marriage with the informant
and later on he denied the marriage.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Informant is a major lady of 30 years. Informant is
already a married women and her divorce case is pending in the



Family Court, Darbhanga, which is annexed as Annexure-8 to this petition. So, there is no question of assurance for marriage by the petitioner with the married informant. Petitioner had established consensual sexual relation.

Learned counsel for the informant and APP appearing for the State have opposed the prayer of Bail and submitted the petitioner started to retract from his promise made with the informant for solemnization of marriage and the same fact is supported by her statement recorded under Section 164 Cr.P.C..

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Darbhanga Town P.S. Case no. 238 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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