

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3812 of 2022**

Arising Out of PS. Case No.-105 Year-2021 Thana- MAHILA PS District- Darbhanga

Shafi Shahid, Son Of Seikh Md. Safiur Rahman, R/O Village- Naurachh
Dham, P.S.- Jaley, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mahila P.S. Case No. 105 of 2021 registered for the alleged offences under Sections 376, 506 and 379 of the Indian Penal Code.

Allegedly, the petitioner established physical relationship with the informant giving her allurements of marriage. It continued for three years. Lastly, on 05.08.2021, the petitioner called out the informant and again established physical relationship with the consent of the informant. When



the informant became pregnant, the petitioner refused to marry her.

Learned counsel for the petitioner submits that the informant is 19 years old as mentioned in the FIR itself and it is not believable that petitioner established sexual relationship without her consent, otherwise even if facts of the FIR are taken at its face value, no case under Section 376 would be made out and inclusion of Section 379 is without any substance. Learned counsel further submits that for an occurrence of 05.08.2021, the FIR has been registered on 07.10.2021 which shows due deliberation and afterthought on the part of the informant. The petitioner is in custody since 31.10.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that there is direct allegation against this petitioner for committing rape upon the informant.

Having regard to the submission made hereinabove and considering the fact that the informant was having sexual relationship with the petitioner for three years and when the petitioner refused to marry her, then only she has implicated the petitioner and further considering the period of his custody, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Mahila P.S. Case No. 105 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) The petitioner will not approach the informant in any manner or any of the witnesses and will not try to influence the trial.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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