

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5654 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- AMAUR District- Purnia

MD. ZUBER ALAM Son of Ayub Resident of Village - Khemiya, Police
Station - Amour, District – Purnia. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Helal Ahmad

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Amaur P.S. Case no. 247 of 2021 instituted for the offence
under Sections 376 of 34 of the Indian Penal Code.

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

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Informant is an old aged lady divorced twice by her
two husbands. This case does not come within the purview of
rape, as informant has established consensual relationship with
the petitioner. As alleged, she was in relation with the petitioner



since last 12 years but no complain regarding sexual assault was lodged anywhere prior to lodging this case. Only with a view to put pressure of marriage upon the petitioner, she has lodged this case with concocted story. It is further submitted by learned counsel for the petitioner that it is candid observation of Hon'ble Apex Court that such type of consensual sexual relation case does not come within the purview of rape.

Learned APP appearing for the State has opposed the prayer of Bail.

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 Amaur P.S. Case no. 247 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, Purnia subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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