

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17101 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- THAKURGANJ District- Kishanganj

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SOHEL ABBAS @ SOHEL S/O Akhlaque R/o Khajoorbari, P.S. - Paharkatta,
District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 21-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Thakurganj
P.S. Case No. 108 of 2020 registered under Sections 376, 341,
504, 323, 420 and 34 of the Indian Penal Code.

Allegedly, on the assurance of solemnization of marriage,
the petitioner established physical relationship with the victim
and later on, he solemnized marriage with another girl.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is alleged to have expressed his willingness to marry with the victim and on the basis of said willingness, physical relationship was established between the parties. The said relationship between the parties was a consensual one. The occurrence is said to have taken place on 20-07-2020 whereas the case was instituted on 15-09-2020. Counsel for the petitioner further relied upon the case of the Hon'ble Supreme Court reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra & Ors)** and **(2019) SCC 608 (Pramod Suryabhan Pawar vs State of Maharashtra and Ors.)**.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact



that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Thakurganj P.S. Case No. 108 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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