

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27293 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- POTHIA District- Kishanganj

Md. Azad S/O Latifuddin @ Md. Latif Alam R/O Village Goaberi, P.S-Pothia,
District-Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate.

For the Opposite Party/s : Mr. Najmul Hoda, APP.

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

2 04-03-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Pothia P. S. Case No. 177 of 2020 registered for the offence punishable under sections 341, 323, 376, 504, 506, 420, and 34 of the Indian Penal Code.

The informant is a major person and she knowingly established sexual relations with the petitioner and has filed this case saying that the petitioner did not marry her and has raped her.

This kind of allegation is unbelievable. A major



person who knowingly has sexual relationship with another major person cannot subsequently make allegation of rape and in the opinion of this court, no offence of rape or other offences are made out against the petitioner.

In that view of the matter, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Kishanganj in connection with Pothia P. S. Case No. 177 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sandeep Kumar, J)

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