

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17345 of 2022

Arising Out of PS. Case No.-620 Year-2021 Thana- ISLAMPUR District- Nalanda

Md. Yusuf Son of Md. Shahid R/O Village - Pachlowa, P.S.- Islampur, District
- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Islampur P.S.
Case No. 620 of 2021, registered for the offences punishable
under Sections 366, 379 and 315 of the Indian Penal Code.

As per the FIR, this petitioner on the false pretext of
marriage sexually assaulted the informant.

It is submitted that from perusal of the FIR, it is
apparent that informant is major lady and petitioner and
informant were living together as wife and husband for years
and enjoyed each others company, as such sexual act cannot be
said to be involuntary or induced. In fact, petitioner could not
marry with the informant because of family pressure. It is only
after refusal of proposal of marriage this false case has been



lodged. Petitioner claims clean antecedent.

Considering the facts aforesaid and the fact that informant is major lady and consenting party, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Hilsa, Nalanda in connection with Islampur P.S. Case No. 620 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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