

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21915 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

=====

NASIR ASHFAQUE S/o Late Ashfaq Ahamad R/o village- Khiribandh,
P.S.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s :		Mr.Awadhesh Kumar Singh, APP
For the Informant	:	Mr. Rashik Izhar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-07-2022 Heard learned counsel for petitioner, learned counsel
for the State and learned counsel for the informant.

Petitioner, who is in custody, seeks bail in a case
registered for the offences punishable under Sections 376, 420,
504, 506/34 of the Indian Penal Code.

Informant Mahelka in her written complaint has
alleged that her elder sister was married with one Tarique
Ashfaq and she used to visit her sister's house and in course
of visiting, petitioner developed intimate relation with her and
on promise of marriage, he established physical relation for the
last 6-7 years with her but subsequently, he denied to marry her
and also threatened her brother to kill him.

It has been submitted on behalf of the petitioner

that he is innocent and has been falsely implicated in this case. The allegation of establishing physical relation with her on promise of marriage is false and concocted. The allegations even assumed to be true being consensual cannot be offence. Petitioner has no criminal antecedent and is in custody since 02.02.2022.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Bhagalpur, in connection with Bhagalpur Mahila P.S. Case No. 07 of 2022, subject to conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on

two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.,

(S. Kumar, J)

Rajiv/veena-

U			
---	--	--	--