

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31835 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- DAGARUA District- Purnia

Md. Mosabbir @ Musabbir Alam Son of Late Nayeem R/o Village- Udharna,
P.S.- Dagaruwa, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is apprehending his arrest in a case
registered for the offence under Sections-341, 323, 376, 504,
506/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the
accused person established physical relation with the victim on
the pretext of marriage and later on, denied.

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 falsely been implicated in the present case. The petitioner is alleged to have established physical relationship with the victim on the assurance of marriage. Subsequently, for one reason or the other the marriage could not be solemnized and for the said reason, the present case has been instituted. The date of occurrence is said to be 02-04-2021 and in respect of which, the Complaint Case was filed in the court below on 01-12-2022 which was registered as Dagaruwa P.S. Case No. 369 of 2021 under the provision of 156(3) of the Cr. P.C. on 13-12-2021. The delay in filing the complaint has not been explained by the prosecution. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. He has placed reliance upon a case of the Hon'ble Supreme Court since reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors.)***

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

Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each of the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dagaruwa P.S. Case No. 369 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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