

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39908 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- KODHOBARI District- Kishanganj

AKHLAKUR RAHMAN SON OF LATE ABDUL MAJID @ MOJU HAJI
R/O VILLAGE- LAXMIPUR, SARPACH TOLA, P.S.- KODHOBARI,
DISTRICT- KISHANGANJ, BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANDTARA KHATOON @ CHANDA KHATOON D/O MD. AKBAR
ALI R/O VILLAGE- LOHAGARA, WARD NO.-8, P.S. - KODHOBARI,
DISTRICT- KISHANGANJ, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Shahnawaz Ali, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Sarvottam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 17-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khodhobari P.S. Case No. 16 of 2022 registered for the offence
under Section 376 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.04.2022.

The allegation against the petitioner is to establish



physical relations/rape with the informant/victim on the false pretext of marriage.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that victim/informant was major at the time of occurrence and the physical relations was made out of consent of the informant/victim and for simple reason as marriage could not negotiated for certain reasons, the present false implication was made. Learned counsel for the petitioner in support of his submission relied upon the report of Hon'ble Supreme Court, which has been reported in the matter of **Dr. Dhruvaram Murlidhar Sonar vs The State Of Maharashtra and Others**, reported as **2019 AIR (SC) 327**. It is further submitted that victim turns hostile before the learned trial court and as such keeping petitioner behind the bar for any further period, will not serve any purpose, of justice.

Learned APP duly assisted by learned counsel for the informant, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced to suggest that petitioner was not intended to act upon his promise of marriage coupled with the fact that victim turns hostile before learned trial court, let the



petitioner, above named, is directed to be released on bail in connection with Khodhobari P.S. Case No. 16 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-I, Kishanganj/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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