

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41946 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- MAHILA PS District- Darbhanga

Md. Sajjad @ Md. Taqui Ahmad Son of Md. Rafi Ahmad @ Mannu Resident
of village - Saraiya, P.S. - Simri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Darbhanga Mahila P.S. Case No. 66 of 2021 lodged under
Sections 376, 354-D, 506/34 of the I.P.C.

As per the F.I.R., the prosecution case is that the
petitioner has developed intimate relation with the informant on
the promise to marry her in court and thereafter continue
physical relation with her but subsequently denied, thereafter
the case has been filed.

Learned counsel for the petitioner submits that the
present case is false one and lodged only with a view to create

pressure to marry. Learned counsel for the petitioner submits that all the offences are bailable except the offence under Section 376 of the I.P.C. He submits that Section 376 of the I.P.C. is not made out due to the reason that the said physical relation was confirming with consent between 2 major persons. Learned counsel further submits the present case is a regular bail in which petitioner is in custody since 04.04.2022 and in this regard a negotiation takes place between the family and the petitioner which is Annexure-3. Learned counsel for the petitioner further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Darbhanga in connection with Darbhanga Mahila P.S. Case No. 66 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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