

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53265 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- BAKHARI District- Begusarai

Md. Akhlak @ Md. Ekhlak, S/O Late Mehndi @ Mehndi @ Late Md.
Mokhtar R/O Village- Chakhamid, P.S.- Bakhri, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
366A, 376, 312, 504, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that petitioner is informant's aunt's son and on the
pretext of promise of marriage, he established physical
relationship with the informant and when she became pregnant,
took her to his aunt where she was made to take some pills after
which, she became sick and was brought back to her parents'
house. It is next submitted that later, the petitioner refused to
marry the informant.



The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. From bare perusal of the allegation as alleged in the F.I.R., it would manifest that whatever happened, happened between the two consenting adults, but later when the relationship soured, the present false case came to be instituted. It is next submitted that though it is alleged that she became pregnant and was made to take pills for getting the pregnancy aborted, but the F.I.R. is completely silent that as to when, where and which medicine, she was administered. The learned counsel next submits that from perusal of the F.I.R., it would manifest that there is an inordinate delay in instituting the F.I.R. without any plausible explanation and the delay is of more than two months.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application with a liberty to the petitioner to surrender before the learned Court below on or before 15.07.2022, in the event, if the petitioner surrenders in between 05.07.2022 to 15.07.2022, the learned Court below shall try to dispose of the matter on the same day if possible keeping in mind the submission made by the learned counsel for the petitioner.

Permission is accorded.



Accordingly, instant petition is dismissed as
withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

