

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49247 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- MAHILA P.S. District- Araria

Md Irshad @ Bechan @ Irshad, male aged about 35 years, S/o Anis Resident of Village- Masuria, Ward No. 11, P.S. Jokihat (Mahalgaon), District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Anil Prasad Singh, Adv.
For the State	:	Mr.Syed Ehteshamuddin, APP
		Mr. Kanchan Jha & Madhav Jha, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

The petitioner seeks bail in connection with *Araria (Mahila) PS Case No. 33 of 2022* registered for the offence punishable under Sections 313, 376, 420, 504 and 506/34 of the Indian Penal Code.

The informant has alleged that her sister-in-law (*Nanad*) has been allured on the pretext of marriage by the petitioner. Based on love affair, the petitioner has established physical relation with her '*Nanad*' and thereafter refused to solemnize marriage.



Learned counsel for the petitioner submits that victim has also been examined under Section 164 Cr. P.C., wherein, she has claimed herself to be 35 years of age. From the statement recorded under Section 164 Cr.PC, it is apparent that there is no coercion in establishing physical relation and FIR has been lodged merely because subsequently it is alleged that petitioner has refused to solemnize marriage. No criminal offence would be made out as it is out and out a false case based on extraneous consideration to coerce the petitioner to solemnize marriage with the victim.

The petitioner is in custody since 31.05.2022, having no criminal antecedents.

Learned counsels for the informant and learned APP for the State have opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- V Araria, in connection with *Araria (Mahila)*



PS Case No. 33 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office

(Madhuresh Prasad, J)

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