

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59760 of 2021

Arising Out of PS. Case No.-362 Year-2021 Thana- TURKAULIYA District- East
Champaran

=====

MD. FAKHRE ALAM @ FAKHRE ALAM ANSARI Son of Salim Ansari @
Salim Miya Resident of Village - Siswaniyan, P.S.- Banjaria, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner and learned APP
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 Turkauliya
(Banjaria) P.S. Case No. 362 of 2021 registered under Sections 376,
504, 506, 34 of the Indian Penal Code.

Allegation against the petitioner is of establishing physical
relationship with the informant on the pretext of marriage.

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 been falsely implicated in the present case. On the pretext of
marriage, the petitioner is alleged to have established physical



relationship with the informant. The same was consensual relationship between the parties. He has further placed reliance of cases of the Hon'ble Supreme Court since reported in 2019 SCC Online SC-3100 (*Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors.*) and (2019) 9 SCC 608 (*Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.*)

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

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjaria) P.S. Case No. 362 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

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

