

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60654 of 2021**

Arising Out of PS. Case No.-78 Year-2021 Thana- AKBARPUR District- Nawada

Md. Tanvir Alam Son of Late Arif Hussain R/O Village- Piprakhurd, P.S.-
Akbarpur, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Akbarpur P.S. Case No. 78 of 2021 (G.R. No. 394 of 2021) under Sections 379, 420, 504 and 506/34 of the Indian Penal Code.

The allegation against the petitioner is that the informant who was a married lady whenever visited her home the petitioner used to forcibly make physical relationship with her on the promise of 'Nikah'. This continued for long period and on his insistence; the informant even took (Talaq) from her husband. Even thereafter he did not solemnize marriage with her and lastly on 19.1.2021, she was assaulted by the petitioner and his family members as also snatched some



money and ornaments.

Learned counsel for the petitioner submits that from the contents of the FIR it does not show that any rape has been committed, rather it was the consensual relationship between the informant and the petitioner. He further submits that there was no medical examination done as the informant refused to go through it. Lastly, he submits that the charge-sheet has been submitted and he is in judicial custody since 30.6.2021 (as stated in para-31 of the bail application).

Taking into the aforesaid facts that he is in jail since 30.6.2021 and the charge-sheet has been submitted and as such there is no question of tampering with the evidence, this Court is inclined to grant him the privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Akbarpur P.S. Case No. 78 of 2021 (G.R. No. 394 of 2021) subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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