

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63999 of 2021**

Arising Out of PS. Case No.-396 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. NAYEEM @ NAYEEM Son of Md. Shamsuddin @ Shamsuddin @ Bahadur Resident of Village- Kawiya Kishanpur, P.S.- Ranipatra (Muffasil), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the informant	:	Mr. Mahendra Thakur, Advocate

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 Sadar (Mufassil) P.S. Case No. 396 of 2021 registered under Sections 376, 341, 323, 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. 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. It has further been submitted that the victim is already a married lady. For oblique reasons, she has got instituted the present case. The alleged occurrence is said to have taken place on 16-07-2021 and the case was instituted on 08-08-2021. The delay in instituting the FIR has not been explained by the prosecution. The petitioner has 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 Ist Additional Sessions Judge, Purnea in connection with Sadar



(Mufassil) P.S. Case No. 396 of 2021 subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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