

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2918 of 2022

Arising Out of PS. Case No.-498 Year-2021 Thana- KAHALGAON District- Bhagalpur

MD. FAIYAZ KHAN S/O IYAS KHAN R/o village- Paithanpura,
Shamshanghat Road, Ward No. 01, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Kamlesh Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner, learned
APP for the State and leaned counsel for the informant.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered under Section 376 of the Indian Penal Code.

The prosecution allegation, in short, is that the
accused person established physical relation with the informant
on the pretext of the marriage and later denied.

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 falsely been implicated in the present case. As per allegation, the petitioner is said to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. He has placed reliance on cases of the Hon'ble Supreme Court since reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with kahalgaoon P.S. Case No. 498 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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