

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7332 of 2023

Arising Out of PS. Case No.-1194 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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MUBARAK HUSSAIN S/o Abdul Mannan Resident Of village- Dangraha
Ghat, P.S.- Baisi, Distt- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sarina Khatoon D/o Saidul Rahman R/o Village- South Mohhamadpur, P.S.-
Baisi, Distt- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Md. Helal Ahmad, Advocate
For the State	:	Mr. Amitesh Kumar, APP
For O.P. No.2	:	Mr. Naushad Akhtar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

Petitioner apprehends his arrest in connection with
Complaint Case No.1194/2021, registered for the offences
punishable under Sections 376, 323, 504, 506 and 120(B) of the
Indian Penal Code.

Accusation against the petitioner is of committing
rape upon the complainant.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in the
present case. It is submitted that petitioner has got no criminal



antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the complainant has filed this complaint case against the petitioner with a view to pressurize him to marry her. It is submitted that the complainant is major. Learned counsel for the petitioner further submits that the complainant is aged about 22 years and she was consenting party in sexual relation and, as such, no offence is made out against the petitioner under Section 376 of the Indian Penal Code. Learned counsel for the petitioner relies upon the judgment of the Apex Court in the case of Mandar Deepak Pawar vs. The State of Maharashtra & Anr., passed in Criminal Appeal No.442 of 2022.

Learned counsel appearing on behalf of O.P. No.2 fairly submits that the matter has been compromised between the parties.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate, 1st Class, Purnia in connection with Complaint Case
No.1194/2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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