

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10689 of 2023**

Arising Out of PS. Case No.-143 Year-2022 Thana- BIRPUR District- Supaul

Mukhtar Alam Son of Abdul Haiy R/v- Parmanandpur, P.S.- Birpur, District-
Supaul

The State of Bihar

Versus

... .. Petitioner/s

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Pramod Mishra, learned counsel appearing
on behalf of the petitioner and Mr. Abhay Kumar Roy, learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sessions Trial No. 451 of 2022 arising out of
Birpur P.S. Case No. 143 of 2022 registered for the offences
punishable under Sections 341, 323, 376, 504 and 506/34 of the
Indian Penal Code.

It is alleged that on the pretext of marriage, the
petitioner established physical relationship with the informant
and, later on, when the victim became pregnant, he refused to



marry with her. It is further alleged that when the informant along with her family members went to the house of the petitioner, the petitioner and his family members assaulted her and ousted from the house.

Submission has been made on behalf of the petitioner that from the FIR, it is evident that the informant is major and there was a long standing consensual relationship between the parties, where no force has ever been used on the part of the petitioner. It is further submitted that, in fact, it is a case where the family members of the petitioner refused to solemnize marriage of the informant with the petitioner, which resulted into lodging of the FIR only in order to wreak vengeance and put pressure upon the petitioner and his family members. It is next submitted that now the investigation of the crime is complete and the statement of the informant has already been recorded and there is no chance of tampering with the evidence as the case has already been committed to the Court of Sessions and the petitioner is ready to give undertaking that he will fully cooperate in the trial and will remain present on each and every date of trial till disposal of the case. It is lastly submitted that the petitioner having fair antecedent is in custody since 26.07.2022

On the other hand, learned counsel for the State,



vehemently opposed the bail application and submitted that the statement of the informant of physical relationship is corroborated with the fact that she was carrying pregnancy of seven months at the time of lodging of the FIR.

Regard being had to the submissions made on behalf of the parties and considering the allegation made in the FIR as also the fact that there was consensual relationship between two major persons, coupled with the period of custody and his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Supaul, in connection with Sessions Trial No. 451 of 2022 arising out of Birpur P.S. Case No. 143 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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