

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15132 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- RAUTA District- Purnia

SAHROJ @ MD. SAHROJ ALAM Son of Md. Jahur Resident of village -
Nandania, P.S.- Rauta, District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Bijendra Kumar Singh, Advocate
For the State	:	Mr.Umeshanand Pandit, APP
for the informant		Mr. Dr.Bidhu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner, the State and
the informant.

The petitioner apprehends arrest in a case registered
for the offence punishable under sections 376/34 and other
allied sections of the Indian Penal Code.

As per the prosecution case, petitioner established
physical relation with the informant on the pretext of marriage
and pregnancy of the informant was also got aborted at his
instance.

Learned counsel for the petitioner submits that there
was love affair between the parties and with consent of the
informant, petitioner established physical relation. Both of them
engaged in sexual activity for quite some time which cannot be



said to be induced and involuntary. As such, allegation of inducement and commission of rape is not made out against the petitioner. Petitioner has got no criminal antecedent.

Learned counsel for the State as well as the informant oppose the prayer for bail.

Considering the fact that both the parties engaged in sexual activity for quite some time which cannot be said to be induced and involuntary, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Purnea in Rouda Police Station Case No. 143 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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