

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30068 of 2023**

Arising Out of PS. Case No.-18 Year-2023 Thana- ANTI District- Gaya

MD. MURTAZA s/o MD. SHAMIM Resident of Village Chainbiga P.S.  
Muffasil District Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubana Praveen Md Akhtar Village Vishwanathpur P S Anti District Gaya
3. Rubana Praveen D/o Md. Akhtar Resident of Village Vishwanathpur P.S.  
Anti District Gaya

... .. Opposite Party/s

**Appearance :**

|                          |   |                                       |
|--------------------------|---|---------------------------------------|
| For the Petitioner/s     | : | Mr.Krishna Prasad Singh, Sr. Advocate |
| For the Opposite Party/s | : | Mr.Navin Kr. Pandey, APP              |
| For the Informant        | : | Mr.Surendra Kumar Singh, Advocate     |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      06-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Anti P.S.  
Case No.18 of 2023 registered for the offence under Sections  
376, 493, 504 and 506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 06.03.2023.

The allegation against the petitioner is to commit  
rape upon informant/victim aged about 26 years on the false  
pretext of marriage.

Learned counsel appearing on behalf of the petitioner



submitted that prior to this occurrence petitioner lodged a case against the family members of the informant before the learned Chief Judicial Magistrate, Aurangabad, which was registered as Complaint Case No. 23 of 2023 and to counter the said complaint case a false case of rape was lodged against this petitioner, on false pretext of marriage. It is submitted that as per narration of the F.I.R. informant/victim is major about 26 years old and she appears to established consensual physical relation with petitioner and as marriage could not negotiated for any reasons, the present false case was lodged. It is submitted that from the narration of the F.I.R. allegation is not appearing convincing to the extent that act of petitioner can be said as “rape” and in support of his submission, learned counsel relied upon the report of the **Hon’ble Supreme Court** in the case of **Sonu @ Subhash Kumar v. State of Uttar Pradesh** reported in **2021(3) BLJ, SC 171**. It is also submitted that no medical examination was conducted upon informant/victim to corroborate the allegation of rape. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel appearing on behalf of the informant, vehemently opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as the present implication of rape is founded out of false pretext of marriage, where informant/victim is major aged about 26 years coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.03.2023, accordingly petitioner, above named, is directed to be released on bail in connection with Anti P.S. Case No.18 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

