

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33774 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- MAHILA PS District- East Champaran

1. Eklakh Ansari Son of Ful Mohammad Ansari @ Full Mohammad Ansari Resident of Village- Shankar Saraiya, Ward No. 05, PS- Turkauliya, District- East Champaran
2. Ful Mohammad Ansari @ Ful Mohammad Ansari Son of Juman Ansari Resident of Village- Shankar Saraiya, Ward No. 05, PS- Turkauliya, District- East Champaran
3. Rojaida Khatoon Wife of Ful Mohammad Ansari @ Full Mohammad Ansari Resident of Village- Shankar Saraiya, Ward No. 05, PS- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Pandey
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 420, 323, 341, 120(B) of the Indian Penal Code.

3. As per the prosecution case, on the false assurance of marriage to the informant, petitioner no. 1 dishonestly procured sexual intercourse with the informant and later on, denied to marry the informant.

4. It is submitted that at the time when relation developed both parties i.e. petitioner no. 1 and informant were



major. Both parties indulged in sexual act and enjoyed their relationship for years together and as such, the same cannot be said to be involuntarily or induced. Petitioner nos. 2 and 3 are parents of petitioner no. 1 and on account of this reason they have been made accused in this case. Petitioners claim clean antecedents.

5. Counsel for informant however vehemently opposed the prayer for bail and submitted that the victim in her statement under Section 164 Cr.P.C has supported the prosecution case.

6. Considering the facts aforesaid and the fact that both parties were major at the time of physical relation and they continued in sexual act for years, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran, Motihari in connection with Mahila P.S. Case No. 65 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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