

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35773 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Sajid Siddiqui @ Manu S/o Salauddin Siddiqui, R/o Village Mokram, P.S.
Bhagwanpur, Dist. Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy, Adv.
For the State	:	Mr. Md. Matloob Rab, APP.
For the Informant	:	Mr. Viveka Nand Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Bhabhua (Mahila) P.S. Case No.08 of 2023 dated 23.02.2023,
lodged under Sections 376, 313, 504 & 506 of the Indian Penal
Code.

4. As per prosecution case, the allegation against the
present petitioner is to develop physical relation with the
informant due to which she became pregnant and, therefore,
refused to marry and further allegation that the petitioner has
provided medicine which resulted into termination of her
pregnancy. Allegation of threatening to kill the informant is also

there in the F.I.R.

5. Learned counsel for the petitioner submits that the alleged occurrence took place on 03.01.2023 and prior thereto but F.I.R. has been lodged on 23.02.2023 meaning thereby it has been lodged after delay of about 51 days from the cause of action. He further submits that from Annexure-2 of application it is clear that the informant is major and in the F.I.R. the informant herself accepts that she is divorcee and developed physical relation with the petitioner but subsequently the petitioner has refused to marry. Learned counsel submits that antecedent of petitioner is clean, he is in custody since 24.02.2023 and chargesheet has already been filed in this case. He further submits that the allegation of rape is not correct which is apparent from the content of F.I.R. He also submits that so far as the allegation of threatening is concerned i.e. Sections 504 & 506 of I.P.C. for which the petitioner retained in jail for about four months.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner upon wrong promise to marry have developed physical relation with the informant and subsequently denied for marriage, in this view of the matter his bail should be rejected.

7. Learned counsel for the State opposes the prayer for bail but accepts that the F.I.R. has been lodged after delay of about 51 days.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua (Mahila) P.S. Case No.08 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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