

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39196 of 2023

Arising Out of PS. Case No.-577 Year-2022 Thana- DHAKA District- East Champaran

Reyaz Ansari son of Wasir Ansari Village- Fulwaria Ps- Dhaka Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Dhaka P.S. Case No. 577 of 2022, registered for the offences punishable under Sections 376, 120(B), 323 and 506/34 of the IPC.

As per allegation, it is alleged that the petitioner, on false assurance of marriage, made physical relationship with the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that in fact there was love affairs between the petitioner and the informant and on misconception, the case has been lodged by the informant. It is further



submitted after lodging of the FIR, the petitioner solemnized marriage with the informant and there is a child out of wedlock also. The informant being the wife of the petitioner is living in the petitioner's house and she is ready to become one of the sureties, in case the petitioner is enlarged on bail.

He further submits that the petitioner has been languishing in jail since 08.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the fact that there is love affairs between the petitioner and the informant and subsequently the petitioner has solemnized marriage with the informant, **this application is allowed**, directing the petitioner, above- named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court, in connection with Dhaka P.S. Case No. 577 of 2022, on the following conditions:



(i) One of the sureties will be the informant.

(ii) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(iii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iv) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(v) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(vi) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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