

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39789 of 2022

Arising Out of PS. Case No.-602 Year-2021 Thana- DHAKA District- East Champaran

Naseem Akhtar Ansari @ Naseem Akhtar S/O Samid Ansari R/O Village-
Jamua, P.S.- Dhaka, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Prateek Tandon, Advocate

For the Opposite Party : Mr.Shahabuddin Azeem @ S. Azeem,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

12 10-07-2023 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 376/506 of the Indian Penal Code.

As per the prosecution case, in the year 2016 petitioner established physical relation with the informant on the pretext of marriage and indulged in sexual act for about five years, thereafter, he refused to solemnize marriage.

Learned counsel for the petitioner submits that there was love affair between the parties and with consent of the informant, petitioner established physical relation for about five years. Informant is 28 years old and 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.

Considering the aforesaid facts of the case, 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 Sub Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran in Dhaka Police Station Case No. 602 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

