

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55573 of 2022**

Arising Out of PS. Case No.-154 Year-2022 Thana- RAMGARHWA District- East
Champaran

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HARISH ARSALAM @ HARISH ARSLLAN Son of Md. Obaidullah
Resident of Village - Ramgadhwa, P.S. - Ramgadhwa, Distt. - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

7 03-07-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376, 493,
504 and 506/34 of the Indian Penal Code.

In compliance of the order dated 22.06.2023, the
petitioner and the informant are present in Court.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case and has
a clean antecedent and works at Jeddah, Saudi Arabia. It is
further submitted that petitioner on 19.11.2017 had gone to
Jeddah where he is working and thereafter he came back on
06.06.2019 and thereafter again went back to Jeddah on
26.12.2019 thereafter again he came back on 28.04.2022 and



left for Jeddah on 15.05.2022. It is next submitted that after the petitioner left for Jeddah on 15.05.2022, the present false case came to be instituted wherein it is alleged that petitioner on assurance of marriage established physical relation with the informant. It is also submitted that from perusal of the FIR, it would manifest that the informant alleges that the petitioner for the last 6-7 months was giving assurance of marriage. Learned counsel further submits that the allegation that petitioner was assuring the informant for the last six months of performing marriage in lieu whereof he was establishing physical relationship gets falsify from the fact that the petitioner for the first time came back from Jeddah on 06.06.2019 and thereafter he went back to Jeddah on 26.12.2019 and thereafter again came back on 28.04.2022. Learned counsel next submits that from perusal of the allegation as alleged in the FIR, it would manifest that even presuming what has been alleged is true without admitting then two consenting adults came together and with their consent physical relationship was established and the present FIR came to be instituted alleging that the informant was raped on false promise of marriage when the fact as recorded hereinabove does not corroborate the allegation. Learned counsel in support of his contention relies on the



passport even.

Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner and submits that the informant and the petitioner are cousin and the petitioner established physical relation falsely assuring that he will marry her but is not in a position to rebut the submission of the learned counsel for the petitioner that petitioner works in Jeddah and the petitioner left for Jeddah in 2017 and thereafter he came back and went again as recorded hereinabove.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that if what has been submitted by the learned counsel for the informant is true then the said allegation should have found mentioned in the FIR but then the FIR is silent in that respect that petitioner and the informant are related.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Ramgadhwa
P.S. Case No. 154 of 2022, G.R. No. 500 of 2022, subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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