

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72808 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MAHILA P.S. District- Araria

MOHAMMAD RAHIB ANWAR @ RAHIB ANWAR S/o Riyazuddin R/o
Village- Masuria, P.S.- Mahalgaon, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindya Keshari Kumar, Sr. Adv. Mr. Abhoy Kumar Kashyap, Adv.
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP.
For the Informant/s	:	Mr. Manish Kumar, Adv. Mr. Md. Ziaul Quamar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

3. Petitioner seeks regular bail in connection with Mahila P.S. Case No. 41 of 2022 dated 08.06.2022 registered for the offences punishable under Sections 376, 420 and 504/34 of the Indian Penal Code.

4. As per the prosecution, the informant alleged that this petitioner established physical relationship with her several times on false pretext of marriage and later on, the petitioner



married her to escape from the legal consequences. It is further alleged that a child took birth from their wedlock but now he is not keeping her and her child in his company.

5. The main submissions advanced by petitioner's counsel are that the alleged offence of 376 of I.P.C. is not made out against the petitioner as the informant accepted her matrimonial relationship with this petitioner and now the petitioner is ready to keep the informant in his company and he has been languishing in jail since 18.08.2022.

6. Learned counsel for the informant submitted that the informant is also ready to live with this petitioner.

7. Learned APP appearing for the State has no objection to the petitioner's bail prayer.

8. Heard both the sides and perused the FIR. Though, as per the allegations levelled in the FIR, the petitioner initially established physical relationship with the informant forcefully but as per the FIR, the said relationship took place in the year 2020 and the informant who happens to be 22 years old remained mum for a long period and did not take any action in respect of that physical relationship and later according to her statement recorded under Section 164 of Cr.P.C., the petitioner married her and in view of the allegations levelled in the FIR,



in the present time the issue is of not keeping the informant by the petitioner in his company and as per above submission, now the petitioner is ready to keep the informant and the informant is also ready to live in his company. Considering these facts as well as petitioner's fair and clean antecedent and his custody period, in my opinion the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-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 the Court concerned in connection with Mahila P.S. Case No. 41 of 2022.

9. The petitioner will be bound to the above-mentioned oral undertaking as to his readiness to keep the informant in his company. If he does not keep the informant in his company or oust her from matrimonial house without any reasonable cause then the learned Court below shall take a serious action against him by cancelling his bail bond.

(Shailendra Singh, J)

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