

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18095 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- POTHIIYA District- Kishanganj

Ashique son of Khush Mohammad @ Khapru village- Ghiyagaon Thana
Pothia District- kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar , Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 376, 504 and 506 of the
Indian Penal Code .

3. As per the prosecution case , this petitioner is said
to have committed sexual intercourse with the victim for three
years on a false promise of marriage .

4. It is submitted on behalf of the petitioner that from
bare perusal of the FIR, at the time when relationship
developed, victim was major and the relationship between the
parties continued for 3 years. It was a consensual relationship ,
both of them enjoyed each others company for a long period
and engaged in sexual activity and the same cannot be said to be



induced or involuntary. FIR has been instituted after delay of 3 years . He further submits that there was love affair between the parties and the fact is also evident from the statement of the victim under Section 164 Cr. P .C . Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the the statement of the victim under Section 164 Cr. P .C . , clean antecedent of the petitioner and other circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as 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 learned Chief Judicial Magistrate , Kishanganj in connection with Pothia P.S. case No. 211 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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