

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18283 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- MAHILA PS District- East Champaran

Shahbaj Khan S/o Sami Khan @ Samiullah Khan R/o vill - Kanth Chhapra,
P.s. - Pipra, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for offence under Sections 376, 420, 313, 323, 341, 504, 506, 34 of the Indian Penal Code.

3. The allegation against petitioner is that he sexually exploited the informant on false promise of marriage and on threat of making her obscene photographs viral. Petitioner is also alleged to have caused miscarriage of pregnancy of informant and he also took Rs. 1,50,000/- from the informant on assurance of marriage.

4. It is submitted on behalf of petitioner that from perusal of the F.I.R., it is apparent that both parties are major and they were in relationship for quiet some time. They enjoyed



each others company for several months and indulged in sexual act, which cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action and simply because the relationship could not work out, it will not give rise to institution of F.I.R. for the offence under Section 376 of the Indian Penal Code. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Mahila P.S. Case No. 40 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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