

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21009 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- BELA District- Sitamarhi

MD. TAJ SON OF JAHIR @ JAHIR ALAM RESIDENT OF VILLAGE -
MACHHAPAKAUNI, POLICE STATION - BELA, DISTRICT -
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-07-2024 1. 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 the offence punishable under Section 376 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is further
submitted that the informant alleges that she was married to Md.
Hamid on 15.05.2011, out of the wedlock three children were
born, her husband used to work as labourer at Surat and rarely
used to come to the house. Further, the petitioner came in
contact with the informant in absence of her husband in 2019
and since then exploiting her physically and economically on



pretext of love as detailed in the FIR. Thereafter, it is alleged that the petitioner coaxed her to take divorce from her husband on the pretext of marriage. Further, the husband of the informant came to know about the relationship and thus divorced her. Further, when the informant got divorced the petitioner refused to marry.

4. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant was married from before with one Md. Hamid and out of the wedlock three children born. It is further submitted that it absolutely does not stand to reason that the petitioner knowing that the informant was married from before having three children would have assured her of marriage. It is next submitted that the relationship was completely consensual with no promise of marriage. It is also submitted that it is very easy to allege rape but very difficult to prove, moreso in the nature of allegation as alleged in the FIR. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

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

6. 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 Bela P.S. Case No. 204 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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