

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24941 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- PIPRA District- Supaul

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Mutallib Ansari @ Mutallif Ansari S/o Rafik Ansari R/o vill - Lalpur, ward
no. 1, P.S. - Pipra, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Maslehuddin Ashraf , Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APPaba

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-04-2024 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, 506 and 34 of
the Indian Penal Code .

3. The prosecution case, in brief, is that *Sakina Praveen*, the informant fell in love with the petitioner of her own village, and on June 3, 2023, and June 15, 2023, when she was alone at her house, the petitioner came to her house and made physical relation with her, on the assurance that he would marry her. It is further alleged that when her elder sister *Aaram Khatoon* came to know about the fact, she went before the mother of the petitioner for settlement of marriage, but the mother of the petitioner abused her elder sister and refused to



perform the marriage of the petitioner with the informant.

4. Learned counsel for the petitioner submits that, from a bare perusal of the F.I.R., it is apparent that both parties are major and they are in a relationship for quite sometime . It is further submitted that the informant was medically examined on June 30, 2023, by the Medical Officer, *Sadar* Hospital, *Supaul*, where no offense of sexual assault was found or caused to the informant (*Sakina Praveen*). It is further stated that the victim, in her statement recorded under Section 164 Cr. P.C., has categorically stated that she had made physical relations with the petitioner twice with her own volition, and, as such, no case under Section 376 is made against this petitioner. Petitioner claims clean antecedent.

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

6. Considering the 164 Cr. P. C., statement of the victim and also 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 Additional



Chief Judicial Magistrate , VI , Supaul in connection with Pipra
P.S. case No. 221 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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