

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28312 of 2024

Arising Out of PS. Case No.-639 Year-2023 Thana- BIKRAMGANJ District- Rohtas

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Tabish Kha @ Md. Tabish Khan @ Tabish Khan S/o Amjad Khan Resident of
Village- Bikramganj, P.S.- Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhtar Bano D/o Taiyab Khan Resident of Village- Bikramganj Ward No.
27, P.S. Bikramganj, District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-07-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the

informant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for offence under Sections 376, 354, 323, 504, 34 of
the Indian Penal Code.

3. As per F.I.R., it is alleged that on the pretext of
false promise of marriage from April, 2019 to September, 2023,
this petitioner established sexual relation with the opposite party
no. 2 and time-to-time gave her contraceptive pills to avoid
pregnancy and opposite party no. 2 kept hiding all these facts
from her parents. It is further alleged that on 20.09.2023, when



parents of opposite party no. 2 came to know about the alleged relationship, they alongwith opposite party no.2 went to the house of petitioner, then all the accused persons including this petitioner started assaulting them, however; after hearing the noise, local people gathered there and pacified the matter.

4. It is submitted on behalf of petitioner that both parties are major. From perusal of the F.I.R., it is apparent that both parties were in relationship for quiet some time and enjoyed each others company for four years and indulged in sexual act and as such, it 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. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed 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 A.C.J.M. 1st, Bikramganj, District - Rohtas in connection with



Bikramganj P.S. Case No. 639 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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