

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24543 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- MAHILA PS District- Khagaria

Mohammad Sanouar @ Chhotu S/o Jainul @ Jainul Shah @ Jainun Shah R/o
Ward No. 6, Raun, P.S. Alouli, Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-04-2024 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, 313, 341, 323, 34 of the Indian Penal Code.

3. It is alleged that on the pretext of false promise of marriage, this petitioner established physical relation with the informant and thereafter, refused to marry her.

4. It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Informant is widow, aged about 34 years, and mother of three daughters, whereas, petitioner is 19 years old. 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 about two years and indulged in sexual act, same 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 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 A.C.J.M. 1st, Khagaria in connection with Mahila P.S. Case No. 59 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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