

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27777 of 2024

Arising Out of PS. Case No.-481 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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TORAB ALI @ CHAND S/O LOKMAN ALI @ MD. LUKMAN R/O
VILLAGE- RAHMATNAGAR, P.S- KADWA, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. JIYARON KHATOON D/O MD. JAMIRUDDIN R/O VILLAGE-
SINGARPUR, P.S- KADWA, DISTT.- KATIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar Jha
For the Opposite Party/s :	Mr.Ram Naresh Ray
	Mr.Bhola Prasad
	Mr.Indrajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for complainant /
opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Section 376, 313 of the
Indian Penal Code.

3. The complaint case, in brief, is that four years ago,
when the complainant went to attend a marriage ceremony at
petitioner's house at Rahmat Nagar, it is alleged that during the
marriage ceremony, this petitioner committed rape with
complainant against her will and on assurance of marriage.
Thereafter, this petitioner is alleged to have made physical



relation with her at her house also, as a result of which, the complainant became pregnant, then her pregnancy was aborted by this petitioner and finally, the petitioner flatly refused to marry her.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. From perusal of the complaint petition, it is apparent that both parties are major and they were in relationship for quiet some time. They enjoyed each others company for about four years and indulged in sexual act, same cannot be said to be induced or involuntarily. The relationship was consensual. The complainant 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 complainant / opposite party no. 2 vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned J.M. 1st Class, Katihar in connection with C.A. Case No. 481 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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