

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41171 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- BENIPATTI District- Madhubani

Md Afroj @ Md Afroj Ansari @ Afroj Ansari @ Afroj Son of Saphik Ansari
Resident of Village - Benipatti, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the State	:	Mr. Rajesh Kumar, Advocate Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 376, 313, 504, 506, 420, 120B and 34 of the Indian Penal Code.

3. The prosecution case in brief is that on the false assurance of marriage, this petitioner established physical relations with the daughter of the informant as a result of which, daughter of informant became pregnant. It is further alleged that all the accused persons named in the F.I.R., including this petitioner, forcibly got daughter of informant aborted. It is further alleged that on 21.08.2022, a Panchayat was conducted



but the petitioner did not participate in the same. Thereafter, on 23.08.2022, all the accused persons, including this petitioner, came to the house of the informant and threatened her to marry her daughter elsewhere.

4. It is submitted by learned counsel for the petitioner that the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she was in relationship with this petitioner for the last 5 years. As per the assessment of the learned Trial Court, the victim is a major aged about 20 years old. It is further submitted that from perusal of the aforesaid facts and circumstances of the case, it is apparent that the petitioner and daughter of informant were in a relationship for several years and engaged in each other's company. The same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Charge-sheet has already been submitted that the petitioner is in custody since 27.02.2024. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, rival submissions, nature of accusation, clean



antecedents of the petitioner and period of custody, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released 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 A.C.J.M., Benipatti, District- Madhubani in connection with Benipatti P.S. Case No. 149 of 2023.

(Prabhat Kumar Singh, J)

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