

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41868 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- BISFI (PATAUNA) District- Madhubani

Md. Babban @ Babban @ Naimul Hoda S/O Amir Alam RESIDENT OF
VILLAGE Raghepura P.S BISFI (patauna) DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-10-2024 1. 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 the offences punishable under Sections 376, 511
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person clean antecedent and the informant alleges
that the accused persons kept her minor daughter as domestic
help, further petitioner, on pretext of marriage, started
establishing physical relation, while Md. Nadim also touched
her inappropriately, on which her daughter informed Hasna
Begam, but she did not take any action, further petitioner
continuously established physical relation. It is next alleged that
marriage of petitioner was fixed, thereafter Hasna Begam told



the victim not to disclose her relationship with the petitioner and she will give an amount of Rs. 1 lakh.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that victim and petitioner were in love, further victim is a major aged about 20 years. It is also submitted that statement of the victim was recorded by Mahila Police Station wherein she accepted the fact that she was in love with petitioner. It is further submitted that when relationship with petitioner soured, the present false case came to be instituted implicating him and his entire family members. It is also submitted that even the Medical Board does not confirm sexual assault. Learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence that the relationship was consensual and there was no promise of marriage.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bisfi (Patauna) P.S. Case No. 489 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. It is further made clear that if after investigation, charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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