

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44643 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- KATORIYA District- Banka

Arif Ansari S/O Md. Budha Ansari R/O Village-Kathaun, P.S.-Katoria, Distt-Banka. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 24-07-2024 Heard Mr. Dhananjay Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Sanjay Kumar

Tiwary, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Katoria P.S. Case No. 52 of 2024 registered under Section
376 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
informant was in love relationship with the petitioner and the
petitioner agreed to marry with her but after making physical
relationship, he refused to marry her.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case. Learned counsel further
submits that informant herself admitted that she was willingly in
relationship with the petitioner and had never objected against
the petitioner before lodging of the present FIR. Petitioner has
clean antecedent.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Considering the allegation made in the FIR, as well as, the fact that the informant herself admitted that she was willingly in relationship with the petitioner and she never complained against the petitioner before lodging of the present FIR, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 52 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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