

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55393 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA PS District- East Champaran

Irfan Alam @ Irfan Devan, S/o Khalilulah Devan, R/o vill-Basti Semara
Sakrar, P.S. - Palanwa, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP
For the Informant :	Mr. Rakesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 17-12-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 8 of 2024 registered for the offences punishable under Sections 341, 323, 354B, 376, 420, 504, 506 and 120B/34 of the Indian Penal Code.

3. Allegedly, the petitioner, on the pretext of marriage, established physical relationship with the informant, however, despite giving assurance of marriage, when the informant forced him to marry with her, he denied. It is also alleged that the marriage of the informant had already been solemnized with one Julphekar Alam eight years ago and because of the assurance given by the petitioner, she left him but the petitioner and his



family members denied to marry and also abused and assaulted her.

4. Learned counsel for the petitioner referring to the FIR, contended that admittedly the informant was in relationship with the petitioner for the last three years and since she was already a married lady, therefore, the allegation that the physical relationship has been established on the pretext of marriage, does not inspire confidence. It is next contended that the occurrence of assault has taken place on 05.03.2024 but the FIR has been instituted on 01.04.2024 without there being any explanation of delay. The petitioner is a man having fair antecedent; however, on account of some infatuation, the informant wanted to solemnize another marriage, which has been protested by the family members and the petitioner, resulting into lodging of the FIR.

5. On the other hand, learned counsel for the State and the informant opposed the bail application and submitted that the petitioner by alluring the informant established physical relation and later on refused to solemnize marriage.

6. Regard being had to the submissions made on behalf of the parties and considering the consensual relationship between the parties for a pretty long time, coupled with the fair



antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below 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 Additional Sessions Judge 1st, Motihari, East Champaran in connection with Mahila P.S. Case No. 8 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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