

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52479 of 2024**

Arising Out of PS. Case No.-48 Year-2024 Thana- THAKURGANJ District- Kishanganj

Md. Hasan @ Md. Hasan Raza SON OF FURKAN VILLAGE- SCHOOL
TOLA, DOODHAUNTI, PS- THAKURGANJ, DIST- KISHANGANJ

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Bhola Prasad , Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-10-2024 Heard learned counsel for the petitioner and the
State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 341 , 342, 323 , 376 and
34 of the Indian Penal Code .

3 . It is alleged that petitioner made physical relation
with informant on the false promise of marriage, and thereafter
refused to marry .

4. It is submitted by learned counsel for the petitioner



that petitioner is innocent and has falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that both petitioner and informant enjoyed each other's company for more than two years and indulged in sexual act being fully aware of the consequences of the relationship, as such, the same cannot be said to be induced or involuntary. It is further submitted that the medical board has assessed the age of the victim between 17 to 19 years. Petitioner claims clean antecedents.

5 . Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and also the fact that both the parties were major when the relationship developed between them and which continued for more than 2 years together and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, 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 the learned CJM Kishanganj in connection with Thakurganj P .S. case No. 48 of 2024 , subject to the conditions laid down under section 438(2) of the



Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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