

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53462 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- UCHKAGAON District- Gopalganj

Dr. Nijamuddin Ansari @ Dr. Nijamuddin S/o Jalil Ansari R/o vill - Siswa,
P.S. - Bishwambharpur, Distt. - Gopalganj. At present Cursion Hospital,
Lakhan More, Station Road, Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulnaaz Parween D/o Azimullah R/o vill - Piprahi, P.O. - Thawe, P.S. -
Uchakagaon, Distt. - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N A Shamsi
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-09-2024 The learned counsel for the informant has appeared
through filing *Vakalatnama* in Court and the same is taken on
record.

2. Heard the learned counsel for the petitioner, learned
APP for the State and learned counsel for the
complainant/informant.

3. The petitioner seeks regular bail in the present case
registered for the offence under Sections 376 of the Indian Penal
Code and Section 4/8 of the POCSO Act.

4. As per the prosecution case, the petitioner was in
relationship with the complainant/informant for a pretty long
time. The victim had established physical relationship with the



petitioner only because the petitioner had promised to marry her.

5. Learned counsel for the petitioner; Mr. N.S. Shamsi submits that the parties have settled their dispute which is apparent from the affidavit and also from the impugned order. Petitioner is in custody since 11.05.2024 and is a homeopath. He further submitted that it is a case of consensual physical relationship without marriage for considerable period of time and thereafter, the parties have fallen apart.

6. The learned counsel for the petitioner; Mr. N.S. Shamsi has next submitted that no offence is made out against the petitioner in view of the law laid down by the Hon'ble Supreme Court in the case of *Mandar Deepak Pawar V/s The State of Maharashtra & Anr; 2022 SCC OnLine SC 2110*. He further submitted that it can be breach of promise which was made in good faith but subsequently not fulfilled.

7. Learned A.P.P. has vehemently opposed the prayer for bail.

8. Considering the period of custody and also considering the law laid down by the Hon'ble Supreme Court in the case of *Mandar Deepak Pawar (supra)*, this application for regular bail is allowed.

9. Let the petitioner, above named, 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 the learned VI Addl. Sessions Judge-cum-Spl Judge (POCSO) Gopalganj/concerned Court below in connection with Uchakagaon P.S. Case No. 30 of 2024 subject to condition that:-

(i) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial.

10. The findings in this order are only for the purposes of bail and the Court below shall not be influenced by this order in the trial.

(Sandeep Kumar, J)

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