

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57649 of 2024

Arising Out of PS. Case No.-355 Year-2022 Thana- BARGAINIA District- Sitamarhi

Md. Jalaluddin, Son of Mohammad Ansarul, R/V- Chakwa Punarvas
(WRONGLY Stated In The F.I.R.) Marpa Tahir (RIGHT Address), P.S.-
Bairganiya, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mehrun Khatoon D/O- Jumrati Mansoori R/V- Chakwa Punarvas, Ward No.
10, P.S.- Bairganiya, Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Bairgania P.S. Case No. 355 of 2022, registered for the offences under Sections 323, 376, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, giving inducement of marriage and taking the informant on tour of Delhi, Ludhiyana etc, the petitioner established sexual relationship with the informant and continued this act for 2-3 years. Thereafter, the petitioner refused to marry the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not



believable that the petitioner giving allurement established physical relationship with the informant for 2-3 years. In fact, the informant is a married lady and she was married to one Salamat Miyan but due to her character, the husband divorced her. The FIR has been lodged after much delay for which there is no explanation. The statement of the informant was recorded under Section 164 Cr.P.C. wherein she did not say anything about the petitioner sexually exploiting the informant. The informant was examined by the medical board which did not give any finding about as to whether rape was committed or not. Learned counsel further submits that the informant is major and she has stated her age to be 20 years and if there was any relationship between the petitioner and the informant, it was consensual. Petitioner is in custody since 08.05.2024 and is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbable nature of accusation and further considering the probability of consensual act on the part of the informant and also considering the period of custody of the petitioner coupled



with his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-Sitamarhi/concerned court in connection with Bairgania P.S. Case No. 355 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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