

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60643 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- MAHILA PS District- Aurangabad

MD. AJAJ ANSARI @ MD. EJAJ ANSARI @ MOHAMMAD EJAJ
ANSARI SON OF MD. NEYAJ ANSARI @ MOHAMMAD NEYAJ
VILLAGE- KURMI TOLA, WARD NO. 9, PS- DAUDNAGAR, DIST-
AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 4 of 2024 for the offence under sections 376 and 506 of the I.P.C. lodged on 12.01.2024 by the informant, Shabana Parveen.

3. As per the prosecution story, the informant alleged that she was in relationship with the petitioner since the year 2020 and subsequently, they also established physical relationship on the promise of marriage. The lady became pregnant but the same was aborted by the petitioner. Thereafter, the physical relationship continued. Again, she became



pregnant, again the same process was adopted inasmuch as, the abortion took place and later, the petitioner refused to marry, this led to FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that it was a consented physical relationship between the parties and only because, he subsequently, joined the Indian Army, the informant tried to put pressure for marriage and upon refusal, the case.

5. Learned APP, on the other hand, opposes the prayer submitting that on the ground of false marriage promise the informant was sexually assaulted.

6. The allegation is there, the fact remains that as per the FIR itself, there was physical relationship continuing for years, the petitioner is a member of Indian Armed Forces, putting him in jail will serve no purpose, he has got no criminal antecedent and as undertaken by learned counsel for the petitioner that he will be diligently appearing in the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, named above, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount



each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Aurangabad in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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