

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66414 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Yahiya Khan @ Saddam Khan S/o- Istyak Khan @ Istiyak Khan, Resident of
Village- Manpur (Biur) Po- Biur Ps- Chainpur Dist- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate
For the Opposite Party/s :		Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Mr. Manish Kumar No 13 along with Mr. Rohit Kumar, learned counsels appearing on behalf of the petitioner and Mr. Anil Kumar Singh No. 1, learned APP for the State.

2. Petitioner seeks regular bail in connection with Mahila (Bhabua) P.S. Case No. 08 of 2024 registered for the offences punishable under Sections 341, 323, 376, 509/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner on the pretext of marriage has established physical relationship with the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that no case is made out against the



petitioner as alleged that he had established physical relationship with the informant on pretext of marriage. The informant herself willingly established relationship with the petitioner. He further submitted that informant is in habit of lodging cases for similar allegation. Prior also, she has lodged cases against two other persons in the past. Petitioner has clean antecedent and he is in custody since 25.02.2024.

5. Learned APP appearing for the State opposes the bail prayer.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR from which it appears that informant has not denied that she was not having relationship with the petitioner and during the said period, she went intimate with the petitioner physically and when she failed to convince the petitioner to marry with her, she has lodged the present FIR. Law in this regard is well settled by the Apex Court in the case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89**. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhabua, District,



Kaimur (Bhabua) in connection with Mahila (Bhabua) P.S. Case No. 08 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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