

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61151 of 2023

Arising Out of PS. Case No.-1478 Year-2022 Thana- COMPLAINT CASE District- Banka

MD. SAKIB ANSARI @ MD. SAQUIB ANSARI S/O MD. YUSUF ALI
RESIDENT OF ASHANANDPUR, NAYA TOLA, PS. TATARPUR, DIST.
BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PRIYANKA SINGH D/O LATE SUDAMA PRASAD SINGH RESIDENT
OF ISHAKCHAK, PS.ISHAKCHAK, DIST. BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md Fazle Karim
For the Opposite Party/s	:	Mr.Asha Kumari
		Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 31-01-2024 1. Heard the parties.
2. The petitioner apprehends his arrest in connection with Banka Complaint Case No. 1478 of 2022 registered under Sections 341, 323, 324, 354A, 376, 380, 504, 506 of the I.P.C.
3. As per the complaint petition, the petitioner on the pretext of marriage established sexual relationship with the Opposite Party No. 2 however, the learned Magistrate did not take cognizance under Section 376 of the I.P.C. and cognizance has been taken under Sections 341, 323, 354, 504 and 506 of the I.P.C.
4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive



inasmuch both the petitioner as well as Opposite Party No. 2 are adult and are working as Headmaster in School. They used to travel together in the bus in order to reach their respective Schools. He further submits that complaint has been filed on the basis of a concocted story and the learned Magistrate has not taken cognizance under Section 376 I.P.C.

5. On the other hand, learned counsel appearing for the Opposite Party No. 2 vehemently opposed the prayer for bail and submits that the Opposite Party No. 2 entered into love relationship with the petitioner and the petitioner promised to marry her but he refused to marry the Opposite Party No. 2 on the ground that he belonged to a different religion.

6. Having heard learned counsel for the parties, taking into consideration the nature of allegation in totality and the fact that both the parties are mature and the Opposite Party No. 2 is also Headmaster in School, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of J.M.



1st Class, Banka in connection with Banka Complaint Case No.
1478 of 2022 subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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