

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66285 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- MAHILA P.S. District- Araria

Mohd. Anjar @ Mohd. Anzar S/o Sadre Alam R/o vill - Hingua Hat, P.S. -
Bhargama, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
376, 417, 313 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner for last two years on pretext of marriage is
establishing physical relation on account of which she became
pregnant. It is next alleged that when the informant requested
the petitioner to marry her, he said to get the pregnancy
terminated, as such, the informant took the medicine brought by
the petitioner on account of which the pregnancy was aborted,
but thereafter petitioner refused to marry her. It is next alleged
that subsequently family members came to know about her



relationship with the petitioner as such a Panchayati was convened but in the Panchayati the petitioner and his family members did not turn up. Further, the family members of the petitioner came and forcibly made the informant sign some blank paper and also assaulted her.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the relationship was completely consensual with no promise of marriage. It is next submitted that though informant alleges that she became pregnant but the said allegation has been made only to give serious colour to the case. It is also submitted that the relationship was in between two consenting adults. It is submitted that it is easy to allege rape but difficult to prove but once an accused is implicated in a case of rape his entire character gets ruined. It is further submitted that petitioner is a person with clean antecedent and he will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila P.S. Case No. 29 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that if the charge-sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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