

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67486 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- GURUA District- Gaya

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Gulam Gaus @ Raja S/O Md. Jamal Miyan @ Jamal Miyan R/O Village-
Bharaundha/ Patwa Toli, P.S Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-12-2024 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 376 and
312 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is further
submitted that from perusal of the allegation as alleged in the
FIR, it would manifest that informant alleges that petitioner was
her neighbour and they used to talk on phone and slowly they
fell in love and thereafter the petitioner started establishing
physical relation and when the informant asked the petitioner to
marry then petitioner on pretext of marriage also committed
wrong on account of which she became pregnant and when she



asked the petitioner to marry, the petitioner got the pregnancy aborted and now he is refusing to marry.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the relationship was purely consensual between the two consenting adults. It is further submitted that initially when the relationship started, there was no promise of any marriage as would manifest from the allegation itself. It is next submitted that in order to give seriousness to the case, it is alleged that informant became pregnant and the pregnancy was aborted after administering pills. It is also submitted that there was absolutely no promise of marriage made by the petitioner. The relationship was completely consensual and when the same soured the instant false case came to be instituted. It is submitted that petitioner 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 Gurua P.S. Case No. 206 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, 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.

(Satyavrat Verma, J)

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