

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67062 of 2023

Arising Out of PS. Case No.-561 Year-2022 Thana- NARPATGANJ District- Araria

MD. GYAS @ GAYAS SON OF MD. MOIM RESIDENT OF VILLAGE-
GOKHLAPUR, WARD NO. 6, PS- NARPATGANJ, DISTT- ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. DILJEHANA D/O LATE TAHIR R/O VILL- GOKHALAPUR, WARD NO. 6, PS.- NARPATGANJ, DIST. ARARIA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Adv.
For the Opposite Party/s	:	Mr.Anish Chandra, APP
		Mr.Vijay Kishore Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 23-01-2024 Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 and learned APP for the State.
2. The petitioner apprehends his arrest in a case registered for the offence punishable u/s 504, 506, 376/34 of the IPC.
3. Allegedly, the petitioner is said to have established illicit physical relationship with the informant on the pretext of marriage and thereafter solemnized marriage with another girl.
4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the statement of the victim was recorded u/s 164 Cr.P.C., in which, she has not supported the prosecution case and stated



that the mother of the petitioner denied to marry the informant with the petitioner and thereafter father-in-law of the petitioner threatened her to not file a case. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitted that the victim has supported the prosecution case in her statement recorded u/s 161 Cr.P.C. but fairly submits that the same version has not come in her statement recorded u/s 164 Cr.P.C.

6. Having regard to the facts and circumstances of the case and considering the contradiction in the statements of the victim as recorded u/s 161 and 164 Cr.P.C., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Narpatganj P.S. Case No.561 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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