

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71834 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- BHAWANIPUR District- Purnia

Abdul Majid Son of Md. Irfan Resident of Choti Bhansar, P.S.- Bhawanipur,
District -Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-10-2024 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 Section 376 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, on pretext of marriage, established physical
relation and continued abusing her physically, further when she
asked her to marry her, the petitioner ignored, next alleges that on
16.06.2024 in the night, the petitioner from his mobile number,
called her on her mobile number at 01:30 AM and called her to
meet, thereafter, it is alleged that petitioner again tried to rape her,
on which she protested that he is marrying another girl, it is next
alleged that since she was protesting loudly, hence her aunt heard
and she along with other family members came out and



apprehended the petitioner, thereafter the family members of the petitioner on hearing the commotion came and took the petitioner away, thereafter a *Panchayati* was convened, but petitioner, his father and *Mama* refused from marrying the petitioner with the informant.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that a purely consensual relationship has been given colour of rape. It is next submitted that from perusal of the FIR, it would manifest that the same does not disclose that as to when the petitioner and the informant came in a relationship. It is next submitted that petitioner and the informant were in relationship for a long time and there was no promise of any marriage on behalf of the petitioner. It is next submitted that the instant FIR came to be instituted when marriage of the petitioner was fixed with another girl. It is submitted that of late, it has become a trend to institute a case of rape when consensual relationship sours. It is also submitted that petitioner will not abscond rather will co-operate 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, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Bhawanipur P.S. Case No. 124 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 in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

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

9. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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