

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78556 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- Bajitpur District- Darbhanga

Md. Sadik Ansari @ Md. Sadik Son of Md. Sakir Ansari R/O-Village -
Taryanti P.S. -Vajitpur District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Padmanabh Kashyap, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and Mr. Umesh
Lal Verma, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Vajitpur P.S. Case No. 43 of 2024 instituted for the offence under Sections 272 and 273 of the Indian Penal Code and under Sections 376, 420 & 509 of the IPC.

3. The case of the prosecution is that the petitioner established physical relationship with the informant on the promise of marriage. After sometime the petitioner refused for marriage with the informant which lead to filing of this case.

4. During course of the argument, learned counsel for the appellant has submitted that the father of the petitioner is a mason and that there is dues of Rs.1,77,000/- against uncle of the informant and regarding which there was a panchayati which is marked as Annexure-2. This panchayati was held on 05.07.2024 and the case



has been filed on 07.07.2024. Learned counsel for the petitioner has also read out the part of the statement of the victim under Section 183 of the BNS wherein she has stated that if the petitioner will marry her, she will withdraw the case. It seems that this case has been filed only to marry the petitioner. In recent judgments, Hon’ble Apex Court has held that such kind of relationship cannot be termed as rape. The petitioner is having no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Vajitpur P.S. Case No. 43 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-VI, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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