

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82796 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- AAJAM NAGAR District- Katihar

Sk. Imran @ Sekh Amran S/O Sk. Mustakim @ Sekh Mostakim R/O Vill.-
Shahpur Bauduwaui, P.S- Harishchandrapur, Dist.- Malda, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Adv

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2024 Heard Mr. Mohammad Akhter Hussain, learned
counsel for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Azamnagar P.S. Case No. 256 of 2024 for the offences punishable under Sections 64, 352, 351(3) of the BNS, lodged on 19.07.2024 by the informant, Mahima Khatoun.

3. As per the prosecution story, the informant alleged that she met this petitioner during a visit to the sister's house, the relationship blossomed which resulted into their sexual attachment and though, he always promised to marry her, lately he refused and also threatened of dire consequences which followed the FIR.

4. It is the case of the petitioner that both are major, it was a consented relationship, at no point of time, he made any promise of marriage but finds himself implicated, remained in



custody since 20.08.2024 (para-11 of the petition). Further, he has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the girl has narrated that on the pretext of marriage, the petitioner sexually exploited her.

6. Having gone through the facts of the case as also the submissions put forward by the parties, a perusal of the FIR would show that the relationship continued for a long time, whether there was any issue of marriage or not, that this Court don't have to look into, in view of the continued relationship for some time, the petitioner is only 21 years of age having no criminal antecedent, has remained in custody since 20.07.2024 (para-14 of the petition), this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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