

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80583 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA P.S. District- Purnia

MD. FIROZ @ MD. FIROZ ALAM, aged 30 yrs. (M), Son of Md. Najir
Resident of village - Ramjani, P.S.- Banmankhi, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Ramesh Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Shyameshwar

Dayal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mahila P.S. Case No. 30 of 2023 dated 25.07.2023
registered for the offence(s) punishable under Sections 376/506
of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner established physical relationship with the informant
on the pretext of marriage but later on he refused to perform
marriage with her.

4. Learned counsel appearing on behalf of the
petitioner submitted that parties were in relationship with
consent and they had also established physical relationship



during the said period which lasted for more than one year and thereafter, the present FIR has been lodged after the petitioner performed marriage with some other lady. It is further submitted that petitioner has clean antecedent.

5. This Court also realize on observation made by the Hon'ble Apex Court in the case of ***Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.*** reported in ***(2009) 9 SCC 608***, wherein the Hon'ble Supreme Court has observed that "in the factual scenario where complainant was aware that there existed obstacles in marrying the accused and still continued to engage in sexual relations. The Apex Court quashed the FIR.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that petitioner has committed crime with the informant by playing with her emotion and established physical relationship on the pretext of marriage.

7. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, the petitioner, above named, is directed to be released on pre-arrest bail in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
S.D.J.M., Purnea in connection with Mahila P.S. Case No. 30 of
2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C, **with a condition that the petitioner
may consider to support the informant financially.**

(Purnendu Singh, J)

Sanjay/-

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