

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82391 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- SONO District- Jamui

Samshir Ansari Son of Jainul Mian @ Jaimul Mian Resident of village
-Painwajan, PS- Sono, District -Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sono P.S. Case No. 282 of 2024, registered for the offences under Sections 115(2), 69, 352, 351, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the petitioner who is brother-in-law of the informant (husband's brother) established physical relationship with her in absence of her husband who went to Saudi Arabia for earning his livelihood. Further, allegation against the petitioner is that when the informant asked him to solemnize marriage, he threatened her. Neither the husband nor his brother now want to keep the informant.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR it is apparent that the physical relationship between the petitioner and informant was consensual in nature. The informant and the petitioner both are married persons and the informant is having five children and have got sufficient maturity to understand the nature of her act and its consequences. The petitioner is in custody since 02.09.2024 and charge sheet has been submitted. The petitioner is having no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner that giving inducement of marriage, he established sexual relationship with the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the consensual nature of act between two consenting adults and further considering submission of charge sheet and period of custody and clean antecedent of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M 1st



class, Jamui/concerned court, in connection with Sono P.S. Case No. 282 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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