

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82298 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- GADHPURA District- Begusarai

Md. Aftab Alam @ Guddu @ Md. Aftab S/o- Md. Mokhtar Village- Malipur
P.S Gadhpura District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the informant	:	Mr. Vinod Kr. Seth, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2024 Heard the learned Counsels of the petitioner, the
State as also the informant.

2. The petitioner is in custody in connection with
Gadhpura (Garhpura) P.S. Case No. 80 of 2024 for the offence
punishable under Sections 126(2), 115(2), 64, 352, 351(2),
351(3), 3(1) of the Bharatiya Nyaya Sanhita, 2023 lodged on
13.07.2024 by the informant, Mustari Khatoon.

3. As per the prosecution story, the informant who is
24 years of lady submitted that for three long years, the
petitioner had physical relationship with her on the false
promise of marriage, but later retracted his words, which led to
the FIR/arrest.

4. Learned counsel for the petitioner submits that both



are major, there was no question of any marriage, with consent, he entered into physical relationship for long three years and subsequently, some acrimony took place between them, which led to FIR. The petitioner has no criminal antecedent, is in custody since 21.09.2024.

5. Learned counsel for the informant, on the other hand, submits that she being a lady ,was trapped and on promise of marriage, relationship made for three long years.

6. Learned APP opposes the prayer for bail.

7. Considering the submissions put forward by the parties as also that both of them are major, FIR lodged, ultimately the petitioner will be facing the trial, stand has been taken that the relationship was consented, is in custody since 21.09.2024, having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, in connection with Gadhpura (Garhpura) P.S. Case No. 80 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her 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.)

Jyoti Kumari/-

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