

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82098 of 2024

Arising Out of PS. Case No.-301 Year-2024 Thana- TARAIIYA District- Saran

Md. Rijwan S/o- Reyajuddin Resident of Bhatgayi PS- Taraiya District- Saran
at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yashraj Bardhan, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard Mr. Yashraj Bardhan, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Taraiya P.S. Case No. 301 of 2024 for the offences punishable under Sections 69, 352, 303(2), 351(1)(2) of the Indian Penal Code, lodged on 20.07.2024 by the informant, Pallavi Kumari.

3. As per the prosecution story, the informant alleged that on the assurance of marriage, the petitioner made physical relationship several times but he never tied the nuptial knot. Whenever, she put pressure, he avoided. The allegation is that she went to the village with Akhil Bhartiya Apradh Virodhi Morcha whereafter the petitioner threatened and in between, she aborted several times. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that they were in a relationship, it went wrong which followed the F.I.R. He has already suffered by being in custody since 22.07.2024 (paragraph no.4 of the petition) having no criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that on the false promise of marriage he sexually assaulted the lady.

6. Taking into account the submissions put forward by the parties as also the fact that the allegation that has come which clearly shows that the petitioner and the informant were in relationship for ten long years and made physical relationship which as per the F.I.R. itself led to abortion several times, F.I.R. is there, the petitioner will be facing the music and is in custody since 22.07.2024, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner 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 Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Taraiya P.S. Case No. 301 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 now 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 bail bonds.

8. Nothing recorded in the order shall be taken into account at the time of Trial as the same has been observed only for the purpose of grant of bail.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

