

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4751 of 2024

Arising Out of PS. Case No.-373 Year-2023 Thana- COMPLAINT CASE District- Banka

Savir Sekh @ Md. Sabir, Son of Ibrar Sekh R/o vill - Kasba, P.S. -
Shambhuganj, Distt. - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin, D/o Jamsher Alam R/o vill - Kasba, P.S. - Shambhuganj, Distt. - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate Mr. Md. Najmul Hodda- Advocate
For the State	:	Mr. Madan Kumar- A.P.P.
For the Complainant	:	Mr. Dharendra Kumar- Advocate Mr. Ashutosh Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-05-2024 1. Heard learned senior counsel for the petitioner,

learned counsel for the complainant and learned APP for the

State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 323, 504, 506 and 493 of the Indian Penal Code.

3. The petitioner and the complainant in compliance

of the order dated 08.05.2024 are present in the Court.

4. In the nature of allegation as alleged in the F.I.R.,

the Court is not inclined to extend the privilege of anticipatory

bail to the petitioner as it has been alleged by the complainant



that petitioner, on pretext of marriage, established physical relation and the complainant became pregnant.

5. The complainant, who is present in the Court, submits that petitioner was known to her, as such, they came into a relationship and petitioner had assured that he will marry her and based on the promise, established physical relation leading to pregnancy. It is further submitted that after the complainant became pregnant, she disclosed the said fact to the petitioner, which annoyed the petitioner to an extent that he even assaulted her. It is submitted that she gave birth to a male child as she blindly believed that petitioner will definitely marry her.

6. The petitioner, who is present in the Court, denies the allegation that he ever came in contact with the complainant and submits that he has been falsely implicated in the instant case.

7. The learned senior counsel appearing on behalf of the petitioner also submits that even presuming what has been alleged is true without admitting, then the relationship was consensual in between the petitioner and the complainant and when the relationship soured, the present false case came to be instituted.



8. The learned Additional P. P. opposes the anticipatory bail application and submits that the plight of the complainant can well be imagined that she believing the petitioner that he will marry her submitted herself to him and out of the relationship, a child came into existence. It is also submitted that the relationship may be consensual, but then, the act of the petitioner is reprehensible. It is also submitted that the trust of the complainant stands breached.

9. Considering the submissions made by the learned Additional P. P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

10. The prayer of the petitioner for anticipatory bail stands rejected accordingly.

(Satyavrat Verma, J)

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