

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86006 of 2023

Arising Out of PS. Case No.-740 Year-2023 Thana- SASARAM NAGAR District- Rohtas

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FAIZ AHMAD SON OF ABUL HASAN ANSARI Resident of Mohalla -
Bahura, Ward No.11, P.S. - Kudra, District - Kaimur (Bhabhua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024 Heard Mr. Ansul, learned counsel for the petitioner
and the State.

2. The petitioner is apprehending arrest in connection with Sasaram (Town) P.S. Case No. 740 of 2023 instituted under Section 376 of the Indian Penal Code lodged on 14.8.2023 by the informant, Shahi Sultana.

3. As per the prosecution story, the informant alleged that on the pretext of marriage, the petitioner established physical relationship which continued for years but he backed out of the marriage. Left with no remedy, the FIR.

4. Learned counsel for the petitioner submits it was consensual relationship which has been given the colour of rape. In any case, the FIR has been lodged, he will be facing the trial and do not have any criminal antecedent.



5. Learned APP opposes the prayer for bail stating that on the pretext of marriage, the physical relationship was established.

6. Considering the submissions put forward by the parties as also that by her own admission, the physical relationship between them was continuing since 2017, as pointed out by the learned counsel for the petitioner, this Court is inclined to grant him the privilege of bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sasaram (Town) P.S. Case No. 740 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) 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;

(v) 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)

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