

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3723 of 2024

Arising Out of PS. Case No.-474 Year-2022 Thana- MURLIGANJ District- Madhepura

Md. Asab @ Md. Asab Alam Son Of Md. Israil R/O Village- Bhairpatti,
Ward No. 14, P.S.- Murliganj, Dist.- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rukeda Khatun D/O Md. Asfaque Alam R/O Village- Bheropatti, Ward No. 14, P.S.- Murliganj, Dist.- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nafisuzzoha, Advocate
For the Opposite Party/s :	Mr. Akbar Ali, A.P.P.
	Mr. Manjeet Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 09-08-2024 Heard learned counsel for the petitioner, State and
O.P. No. 2.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 376, 420, 313, 315, 493, 504/34 of the Indian Penal Code.

3. As per the prosecution case, on pretext of marriage this petitioner established physical relation with O.P. No. 2 and when she became pregnant, this petitioner along with other F.I.R. named accused persons got the pregnancy aborted and after some time started demanding Rs. 2 lacs and motorcycle for marriage.

4. Learned counsel for the petitioner submits that



petitioner had already solemnized marriage with O.P. No. 2 before lodging of the present F.I.R. which is stated in paragraph No. 10 and as such, no case is made out under Section 376 of the Indian Penal Code against the petitioner. Petitioner claims clean antecedent.

5. Learned counsel for the O.P. No. 2, namely, Manjeet Kumar Mishra does not dispute the contention made on behalf of the petitioner.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Madhepura in connection with Murliganj P. S. Case No. 474 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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