

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3669 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- NAANPUR District- Sitamarhi

Md. Shamshad @ Md. Shamshad Alam, Son Of Md. Kalam, Resident Of
Village - Budhnagra, Ward No.10, P.S. - Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Nanpur P.S. Case No. 298 of 2023, registered on 23.06.2023 for the offences under Sections 341, 323, 313, 376, 379, 354, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, giving allurement of marriage, the petitioner established sexual relationship with the informant and later on refused to solemnize marriage with her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has not committed any offence and from bare perusal of the FIR, it is clear that there is no ingredient of Section 376 of IPC in this case. The informant is an adult lady and there has been consensual relationship between the petitioner and the informant. Allegation of rape is not believable and the statement of the informant recorded under Section 164 Cr.P.C., wherein she has admitted that she had been relationship with the petitioner for five years and she wants to marry him. Learned counsel further submits that considering the period of relationship, allegation of establishing sexual relationship on false pretext of marriage or by force or coercion is not believable. The present case has been lodged only to blackmail the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that specific allegation against the petitioner is that giving false allurements of marriage and petitioner entered into physical relationship with the informant and continuously exploited her.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact of predominantly consensual nature of relationship between the parties and improbability of other allegations and



also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi/court concerned in connection with Nanpur P.S. Case No. 298 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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