

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17003 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Bariyarpur District- Muzaffarpur

Md. Jakir Son of Md. Shamsher, Resident of Village - Ganj Gaurihar, P.S. -
Sakra (Bariyarpur), District - Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muskan Khatoon Daughter of Shahabuddin, Resident of Village - Ganj Gaurihar, P.S. - Sakra, District - Muzaffarpur (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-04-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Bariyarpur P.S.Case No.35/24 registered for the offences
punishable under Sections 323, 376, 504 and 384 of the Indian
Penal Code .

3. As per the allegation made in the complaint
petition, the complainant is victim of illicit relationship with the
petitioner, who on the pretext of marriage, established sexual
relationship with her and, thereafter, refused to solemnize marry
with her.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is a married man and he has denied the factum of any relationship with the victim and in support, he has brought on record the affidavit filed by his wife, namely, Sanaj Khatoon in Complaint Case No.748 of 2024. The said case has been filed against Md. Sahabuddin, who is the father of the complainant, namely, Muskan Khatoon. The complainant has alleged that she was having relationship with the petitioner for the last six months and upon refusal to marry, she has filed the present complaint petition. She has admitted that sexual act was established between the parties.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. In the case of *Naim Ahmed Vs. State (NCT of Delhi)*, reported in *2023 SCC Online SC 89* and in the case of *Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.*, reported in *2021 AIR SC 140*, the Apex Court has observed that “the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C”

7. In the above facts and circumstances of the case, the petitioner is directed to be released on pre-arrest bail, in the



event of his arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM VIII (East) Muzaffarpur/concerned court, in connection with Bariyarpur P.S.Case No.35/24 subject to conditions as laid down under Section 482(2) of BNSS of 2023

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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