

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12901 of 2025

Arising Out of PS. Case No.-352 Year-2024 Thana- BARARI District- Katihar

Md. Sahnawaz @ Sahanwaz Son of Abdul Malik @ Md. Malik @ Md. Malek
Resident of Titwari, P.S. - Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bhola Prasad
For the Opposite Party/s :	Mr.Narsingh Tanti
	Mr. Praveen Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-04-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the Informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 64, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that about two months back, the petitioner on pretext of marriage, established physical relation against her will, further on 22-11-2024, the petitioner called her at village Gerua for watching a programme where the petitioner again, against her will, established physical relation, but they were caught by the



villagers, accordingly the father of the informant went to the house of the petitioner for getting her married but the petitioner and his father abused and drove him out of the house.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that twice the petitioner established physical relations against her will, but then the informant did not disclose the said fact of the petitioner to her parents, it was only when the petitioner and the informant were caught in a compromising position at village Gerua then the instant false case came to be instituted. It is further submitted that both petitioner and the informant are adults, as such the relationship was purely consensual with no promise of marriage. It is also submitted that of late, FIRs are being instituted when relationship either breaks or becomes sour. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the Informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position



to rebut the submission of the learned counsel appearing on behalf of the petitioner that had the petitioner entered into physical relation against the will of the informant, in that event the informant would have disclosed it to her parents and would not have gone to meet the petitioner on his calling at village Gerua.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barari P.S. Case No. 352 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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