

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18239 of 2025

Arising Out of PS. Case No.-81 Year-2024 Thana- ANGARGHAT District- Samastipur

Md. Aftab Shah @ Aaftab Shah S/o Ibrahim Shah R/o village - Angarghat ,
Police Station - Angarghat , District - Samastipur

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Gulnaaz Khatoon D/o Sameer Nadaf R/o vill - Angaarghat, P.S.- Angarghat,
Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-04-2025 Heard learned counsel for the petitioner and the
State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 64, 76, 115 (2), 126
(2), 3(5) of the Bharatiya Nyaya sanhita .

3 . The prosecution case in brief is that, informant
alleged that petitioner Aftab Shah established physical relation
with her on the false promise of marriage and later on refused to
marry with her. It is further alleged that when the informant
went to complaint to parent of petitioner, they misbehaved and
assaulted her.

4. It is submitted by learned counsel for the petitioner



that petitioner is innocent and has falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that at the time when friendship developed between the parties both petitioner and informant were major and they enjoyed each other's company for more than 5 years and indulged in sexual act being fully aware of the consequences of the relationship, as such, the same cannot be said to be induced or involuntary. Petitioner claims clean antecedents.

5 . Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and also the fact that both the parties were major when the relationship developed between them and which continued for more than 5 years together and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, 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 the learned Additional Chief Judicial Magistrate – III Dalsingsarai Samastipur in connection with Angarghat P .S. case No. 81 of 2024 , subject to the conditions



laid down under section 482 (2) of BNSS 2023 .

(Prabhat Kumar Singh, J)

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