

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20598 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- BOCHAHAN District- Muzaffarpur

MD. SHABBIR S/o Md. Ashik Ali R/o Village- Etwarpur Taj, P.S.-
Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. SABANA KHATUN W/o Md. Faiyaz R/o Village- Etwarpur Taj, P.O. and
P.S.- Bochahan, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Chandra Shekhar Anand, Advocate
For the State	:	Mr. Rajiv Nayan, APP
For Opposite Party No.2	:	Mr. Hari Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-04-2025 Heard learned counsel appearing on behalf of the

petitioner, learned A.P.P. appearing on behalf of the State and

learned counsel appearing on behalf of the informant/Opposite

Party No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 81, 64, 352,
351(2) and 351(3) of the B.N.S..

3. As per prosecution case, informant was married to
one Md. Faiyaz in the year 2009 and thereafter, she gave birth to
five children out of the wedlock and when her husband went to
abroad, this petitioner, who happens to be her maternal uncle's
son, developed illicit relations with her on the false pretext of



marriage and took the informant and her children to Gujrat where they lived for four years and later, he brought her to Itwarpur and began demanding money and upon refusal, he abused and assaulted informant and later, refused to marry her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that informant is a married lady having five children and thereafter, she left her village with this petitioner and lived in Gujrat for four years. The petitioner and informant were major when they came in contact with each other and thereafter, relationship developed between the parties and both of them became intimate and the relationship continued for four years. The same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that on the false pretext of marriage, he established physical relations with the informant. The victim in her



statement recorded under Section 183 of the B.N.S.S. has supported the prosecution case.

6. Considering the nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned A.C.J.M.-9th (East,) Muzaffarpur in connection with Bochahan P.S. Case No. 10 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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