

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31186 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- MAHILA PS District- Jamui

Md. Arbaj @ Arbaj Alam S/O Md. Allauddin @ Allauddin Qadir R/O village
- Khutabandh, P.O.- Motileda, P.S - Bengabad , Giridih, District - Giridih
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv.

Ms. Dharam Shila Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Jamui Mahila P.S. Case No. 31 of 2024, registered for the
offences punishable under Sections 448, 420, 376 and 493 of the
Indian Penal Code.

3. The allegation against the petitioner is of
establishing physical relationship with the informant on the
pretext of marriage. However, when the informant put pressure
for marriage, he refused to do so. On account of relationship, the
victim got pregnant and a baby boy was also born, but the
petitioner did not solemnize marriage, thereupon, the present
FIR came to be instituted.



4. Learned Advocate for the petitioner referring to the FIR contended that admittedly there was a consensual relationship for the last three years and, moreover, the alleged occurrence of refusal of solemnization of marriage took place on 05.10.2023, but the present FIR came to be instituted on 22.05.2024. The victim was also examined by the doctor, but the medical report does not support the allegation of recent sexual intercourse. Prior to the institution of the FIR, the father of the petitioner has also lodged an Information Petition bearing No. 1872 of 2023 dated 13.10.2023, in the Court of Chief Judicial Magistrate, Giridih against the informant and her family members, apprehending false implication in the case. The petitioner bears fair antecedent and he submits at the bar that now the marriage of the victim has been solemnized somewhere else.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that though the relationship was consensual in nature, but the allegation clearly reveals that a baby boy was born because of the physical relationship of the petitioner and the victim.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of



the materials collected during the course of investigation, as also the statement of the victim recorded under Section 164 Cr.P.C., which, *prima facie*, speaks that the relationship was consensual in nature, coupled with the delay in lodging of the FIR, as also the statement of the petitioner at the bar to the extent the marriage of the victim has solemnized somewhere else, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jamui in connection with Jamui Mahila P.S. Case No. 31 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the local resident of the petitioner.

(Harish Kumar, J)

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