

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30380 of 2025

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA P.S District- Supaul

Md Kalam @ Abdul Kalam S/O Late Asmat Ali R/o vill - Saurajan
Machhaha, ward no. 7, P.S.- Pratapganj, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Singh, Sr. Advocate Mr.Nafisu Zzoha, Advocate Md.Raghib Alam, Advocate
For the Opposite Party/s :		Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2025 Heard both parties.

2. The petitioner seeks bail in a case, registered for the offence punishable under Sections 376, 341, 323, 313, 504, 506/34 of the Indian Penal Code.

3. Prosecution case, in brief, is that on the false promise of marriage, this petitioner used to make physical relation with the informant and also got her pregnancy forcibly aborted.

4. Learned senior counsel for the petitioner submits that from the F.I.R. it is apparent that the physical relation between two adults ie. petitioner and informant continued for years and at no point of time, she made any protest to any quarter. It is hard to believe that informant, being a well matured



lady of 20 years, kept on bending to the demands of the petitioner that too for a period of two years without making any protest that the petitioner was exploiting her sexually. The prolonged relationship goes to show that there was never any element of force or deceit in the relationship. Although, the parties were in a consensual relationship, the informant has subsequently given it the colour of a criminal case. Charge has already framed on 07.11.2025. Petitioner claims clean antecedent and he is in custody since 03.03.2025.

5. Learned APP however, vehemently opposes the prayer for bail of the petitioner.

6. Considering the fact that informant is major and relationship between the parties is consensual, let the petitioner above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul Mahila P.S. Case No. 05 of 2022.

(Prabhat Kumar Singh, J)

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