

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33733 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MAHILA P.S. District- Araria

Mushtak S/o Moinuddin @ Mainuddin Resident of Plot No. 106, KH No. 227, New Raushanpura, P.S.- Narpatganj, Distt.- South West Delhi.
Permanent Address of vill - Sher Langha, ward no. 4, P.O. - Bagdahara, P.S- Jokihat, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2025 Heard Mr. Mritunjay Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 12 of 2025 for the offence under sections 69, 89 and 3(5) of the B.N.S. lodged on 14.02.2025 by the informant, Tasrun Nazreen.

3. As per the prosecution story, the informant alleged that the petitioner used to come to his house, mobile numbers exchanged, on assurance of marriage, she went to Delhi, had physical relationship and became pregnant. However, he started to look the other way and resulted into abortion, the marriage date was finalized but he escaped which followed the FIR.

4. Learned counsel for the petitioner submits that the



lady is married to one Firoz, had gone to Delhi to see him, in between, they met each other, however, she later escaped with Rs. 70,000/- and a mobile for which he has already lodged a case in Delhi. Both of them are major and knew the consequences.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that in the garb of marriage, he made physical relationship.

6. Taking into account the submissions of the parties as also that the lady is married, major, allegation is there, the physical relationship was made, FIR lodged, he shall be facing the consequences and since the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Araria in connection with Mahila P.S. Case No. 12 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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