

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63068 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- MAHILA P.S. District- Araria

Md. Ashique Son of Md. Taiyab Ansari @ Md. Taiyab R/v - Basaithi Ghuski
tola ward no 08 P.S- Bounsi District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Mukesh Kumar Rana, Adv.
Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP
Mr. Sanjay Kumar Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Araria Mahila P.S. Case No. 26 of 2024 registered under
Sections 341, 323, 376, and 504/34 of the Indian Penal Code.

3. It is alleged that petitioner made physical relation with
informant on false pretext of marriage.

4. Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case. The present case has been lodged
after a lapse of 7 months which itself creates doubt over the
veracity of the entire prosecution case. Further submission is
that informant had married thrice prior to this case. Informant



has been living separately from her last husband for seven years and residing with her father. It is submitted that both parties are major and were in relationship for quite some time and enjoyed each others company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria in connection with Araria Mahila P.S. Case No. 26 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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