

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74026 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- MAHILA PS District- Gaya

Miftah Alam Son of Md. Abid Ali @ Abid Ali Resident of Village - Bhikha Chak, P.S.- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 493, 120(b), 420, 506 and 509 of the Indian Penal Code.

3. The case of the prosecution is that petitioner called the informant at Belaganj Station and she went there, he clicked her photographs and on the basis of those photographs he called her at his house and started establishing relationship on a false promise of marriage. It is further alleged that he also took her in a hotel at Railway Station, Gaya there also, he established physical relationship with her and she was threatened by this petitioner that if she will disclose anything to anyone he will



made viral the photographs. It is further alleged that petitioner told the informant that he is having enmity with Samim Mukhiya and if she files a case against Samim Mukhiya then he will marry her. Further, a case was filed against Samim Mukhiya which does not bear the signature of informant rather the name of one Samina Khatoon was used which is a false name.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is not a case of rape rather it was a consensual relationship between the parties. From perusal of the FIR and the statement of the victim under Section 164 of the Cr.P.C. it is clear that petitioner has established physical relationship for many times but no date and place are mentioned and against which act, this case has been filed. This seems to be a case of consensual relation between the parties. Moreover, the petitioner is languishing in judicial custody since 17.05.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that During course of investigation, the informant has given her statement under Section 164 of the Cr.P.C. wherein she stated that the petitioner developed closeness with the informant and started following



her and on the promise of false marriage, established physical relationship.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila Thana P.S. Case No. 23 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Gaya.

(Ashok Kumar Pandey, J)

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