

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78775 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- MAHILA PS District- Khagaria

Md. Amjad Son of Md. Humair Resident of Village Marar, Ward No. 16, P.S.-
Morkahi, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with P.S Case No. Mahila P.S. Case No. 29 of 2024 registered for the offences punishable under Sections 493/503/34 of the Indian Penal Code.

3. As per allegation in the FIR, petitioner has established physical relationship with the informant on the pretext of marriage.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submitted that informant went in the hotel room with the petitioner on her own will. It is also submitted that petitioner



possesses clean antecedent. He further submits that from perusal of the F.I.R., it is apparent that both parties were major at the time when the relationship developed and they were in relationship for three years. They enjoyed each others company for years together and indulged in sexual act, which 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 and simply because the relationship could not work out, it will not give rise to institution of F.I.R. No case either under Section 493 of the I.P.C. is made out against this petitioner. Petitioner has got clean antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. At the outset, it is imperative to note that the alleged offences fall under Chapter XX of the Indian Penal Code. The procedure with respect to offences under Chapter XX has been laid in Section 198 of the Cr.P.C.

7. In the instant case, it is noted that no complaint was filed by the aggrieved party. The entire criminal law was set into motion on the basis of a F.I.R. instead of a complaint. On perusal of the impugned order dated 30.09.2024, it appears that



victim girl was major and they were in relationship since last three years and they indulged in sexual act willfully and also considering the submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Khagaria in connection with P.S Case No. Mahila P.S. Case No. 29 of 2024.

(Ramesh Chand Malviya, J)

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