

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79292 of 2024**

Arising Out of PS. Case No.-43 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Toufique Raja @ Toufique Reza Son of Muslim Resident of Village-
Gachhpara, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, A.P.P.
For the Informant	:	Mr. Radha Mohan Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 22-01-2025 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 64(1), 352, 351(2), 61(2)
of the Bharatiya Nyaya Sanhita.

3. Allegation against petitioner is that on false
promise of marriage, this petitioner repeatedly established
physical relation with the informant and later on denied to marry
her.

4. Learned counsel for the petitioner submits that
from bare perusal of the F.I.R., it is apparent that both parties
were major when the friendship developed between them and



they were known to each other since childhood as they are *Mamera-Fufera* brother and sister. They indulged in sexual act and enjoyed each other's company for years together as such, the same cannot be said to be induced or involuntary. Victim was fully aware of the consequences of the relationship and when the relationship did not work out, this false and concocted case has been lodged against petitioner. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering prolonged and continuous relationship between the parties and both were major, anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of District and Additional Sessions Judge-I-cum-Special Judge, Kishanganj in connection with Kishanganj Mahila P. S. Case No. 43 of 2024, subject to condition as laid down under Section 482(2) of the Bhartiya Nagarik Suraksha



Sanhita, 2023.

(Prabhat Kumar Singh, J)

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