

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80656 of 2024

Arising Out of PS. Case No.-458 Year-2024 Thana- FORBESGANJ District- Araria

Md. Shahwan Son Of Md. Jakir R/O Vill.- Bhagkohaliya, Ward no. 02, P.S.- Forbesganj, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Kishore Bharti, Adv.
For the Opposite Party/s :	Mr. Nawal Kishore Prasad, APP
	Ms. Kumari Pallavi, Adv. for Informant

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2025 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 69, 352, 351, 126, 115(2), 3(5) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

3. The prosecution case, in brief, is that informant was married 10 years ago with one Md. Sagir and out of wedlock, two children were born, in the meantime, the informant fell in love with this petitioner and this petitioner, on the pretext of marriage, established physical relation with her for about five years, resulting in her pregnancy, but the petitioner aborted the pregnancy by giving her medicine. It is further alleged that when informant put pressure on petitioner for marriage, she was



abused and assaulted by this petitioner and was also threatened with dire consequences.

4. Learned counsel for the petitioner submits that the prosecution case is out-and-out a false case and has been lodged only with a view to harass the petitioner. From perusal of F.I.R., it is apparent that informant is 27 years old lady, having two children. The petitioner came in contact with informant in the year 2019, became friend and thereafter, relationship developed, which continued for more than 5 years. They enjoyed each others company 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. for the offence under Section 69 of the Bhartiya Nagrik Suraksha Sanhita. Petitioner has got clean antecedent.

5. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged 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 C.J.M., Araria in connection with Forbesganj P.S. Case No. 458 of 2024, subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

anay

U		T	
---	--	---	--

