

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82453 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- BIRAUL District- Darbhanga

MD. IMRAN SON OF MD. FIROZ Resident of Village- Baliya Police
Station- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR
- 2. Sabila Khatoon D/O Gulab Sah Village Balia P.S. Biraul Dist. Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Nilendu Kumar Choudhary, Advocate
Mr. Kumar Rajdeep, Advocate
For the State : Mr. Rajendra Nath Jha, APP
For Opposite Party No.2 : Mr. Girish Chandra Jha, Advocate
Mr. Ashish, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376, 420, 312 and 313 of the Indian Penal Code.

3. As per prosecution case, it is alleged that this petitioner allured the informant on false promise of providing benefits of Pradhan Mantri Awas Yojana and administered some intoxicating substance and established physical relations. It is further alleged that this petitioner made video of the same and later on started blackmailing and continuously established physical relations with the informant on the false promise of



marriage and also aborted her pregnancy by administering certain medicines and later on refused to marry her.

4. It is submitted by learned senior counsel for the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case with oblique motive. From bare perusal of the F.I.R. it is apparent that at the time the relationship developed, informant was a major and married lady having two children and both of them enjoyed each others company for a long period. Both the parties were well aware of the consequences of such relationship. As a matter of fact, it was a consensual relationship and as such, the same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named



petitioner 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 learned Addl. Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 185 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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