

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88022 of 2024**

Arising Out of PS. Case No.-186 Year-2024 Thana- AMDABAD District- Katihar

Md. Nayeem @ Md. Naim S/O Abul Kashim @ Abdul Quasim R/O Village-  
Ahilgaon, P.S- Jalalgarh, District- purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      08-01-2025                      1. Heard learned senior counsel for the petitioner Mr. N.K.Agrawal and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 64 of the Bhartiya Nyay Sanhita.
3. Learned Senior counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner used to come to her house and started talking on mobile and used to say that he will marry her, further the relationship continued for four years and in these four years the petitioner established physical relation with her in her house about five times, further whenever the informant



asked the petitioner to marry her, the petitioner used to avoid, next alleges that on 03.09.2024 the petitioner came at 12 midnight and forcibly established physical relation, accordingly she informed her parents who confined the petitioner and asked him to call his parents but the petitioner on 04.09.2024 left the house of the informant on the pretext that he will bring his parents but now when the informant calls the parents of the petitioner abuses.

4. Learned Senior counsel submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same is cryptic and vague and lacks in essential details. It is next submitted that the petitioner does not dispute that he was in relationship with the informant but then the relationship was purely consensual. It is also submitted that there was no promise of marriage and the physical relationship was established with consent. It is next submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that a person would not have realized in four years that petitioner never had any intention of marrying the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that on 03.09.2024 at 12 midnight the petitioner came and forcefully established physical



relation with her on which she informed her parents when the petitioner was asked to call his parents but the petitioner left the next day on 04.09.2024 on the pretext that he will bring his parents and the parents of the informant allowed the petitioner to go, which amply demonstrates that the petitioner on 03.09.2024 had come with consent of the informant. It is next submitted that whenever such relationship sour, allegation of rape is alleged.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned senior counsel for the petitioner that the petitioner and the informant were in relationship for the last four years, as such, it does not appear probable that the informant would not have realized that petitioner does not intend to marry her. At this stage, the learned counsel appearing on behalf of the informant submits that if anticipatory bail is granted to the petitioner, the petitioner may abscond, on which, the learned senior counsel for the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Amdabad P.S. Case No.186/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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