

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2240 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- BARSOI District- Katihar

Abdul Karim @ Md. Afaque Karim, Son of Abul @ Aabul, Resident of
village - Bansbari, P.S.- Balrampur, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks bail in connection with Barsoi
P.S. Case No. 109 of 2024 dated 01.06.2024, instituted for the
offence punishable under Sections 341, 323, 376, 504/34 of the
Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
used to establish physical relation with the informant on pretext of
marriage. When the informant asked for marriage then petitioner
refused to marry her and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that the informant
is a divorcee from her ex-husband and from that wedlock, a girl



child was born. The informant earlier married to one Badrul on 24.03.2021 and *Talak* with consent of the informant took place between the parties on 25.05.2023. On account of dissolution of marriage, the ex-husband gave Rs. 9,75,000/- as one time settlement to the informant. Learned counsel for the petitioner submits that from perusal of the F.I.R., it appears that there was intimate relation between the informant and the petitioner. With consent of the informant, there was physical relation between the petitioner and the informant. The said intimate relation does not come in category of rape. Learned counsel for the petitioner submits that as per the F.I.R., the occurrence took place on 28.04.2024 and since then both were in physical relation and the F.I.R. has been lodged on 01.06.2024 on account of refusal to marry. Lastly, it has been submitted that the petitioner is in custody since 08.08.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, At



Katihar, District Katihar in connection with Barsoi P.S. Case No.
109 of 2024.

(Khatim Reza, J)

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