

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63401 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -BATH District- BHAGALPUR

=====

1. Rocky Kumar S/o Ranjit Kumar Singh @ Ranjit Kumar Ranjan, R/o
Village- Karhariya, P.S.- Bath in the District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy
For the Opposite Party/s : Anita Kumari Singh
For informant : Mr. B. Prasad

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Bath PS case no. 136 of 2017 registered for the
offences punishable under Sections 376, 120B of Indian Penal
Code.

The allegation of the informant is regarding her
being cheated by the petitioner herein by promising that he would
marry her and in that process, he had established physical
relationship with the informant on several occasions and
thereafter, had fled away and refused to marry the informant
herein.



The learned counsel for the petitioner submits that the statement of the informant recorded under Section 164 of Code of Criminal Procedure would show that even her brother had told her to come back only after marrying the petitioner herein and as such, it appears that there was consent on the part of the informant as far as establishing physical relationship with petitioner is concerned and there was no coercion on the part of the petitioner herein. It is lastly submitted that the present case has been filed with an oblique motive only to pressurize the petitioner to marry the informant.

The learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that the informant was confined by the petitioner and others and thereafter, the *Mukhia* of the village had aided the petitioner in fleeing away as well as he was instrumental in the talks of the marriage of the petitioner and the informant.

Having regards to the facts and circumstances of the case as also the fact that the petitioner and the informant are major, more particularly the fact that *prima facie* there appears to be consent between them for establishing physical relationship, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in



the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. XIII, Bhagalpur in connection with Bath PS case no. 136 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

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

