

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39301 of 2018

Arising Out of PS.Case No. -58 Year- 2018 Thana -MAHILA P.S. District- BHOJPUR

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1. Prem Prakash, S/o Arun Verma, R/o Vill. Sandesh, P.S.- Sandesh District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath, Advocate

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

For the Informant : Mr. Lala S. N. Rais, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-07-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Mahila P.S. Case No.58 of 2018** instituted for the offence under Section(s) 376, 341, 323, 504/34 Indian Penal Code.

It is alleged in the written report that this petitioner used to establish physical relationship with the informant from 04.02.2018 to 11.02.2018 on the pretext that he will marry her. Later on, the informant came to know that marriage of the petitioner is going to be performed with some other girl, then she reached at the residence of the petitioner along with her brother where they were assaulted.

Counsel for the petitioner submits that instant case



has been filed only to force the petitioner to marry the victim girl.

It has been submitted that statement of victim girl has been recorded under Section 164 Cr. P. C. in which the Court has assessed her age as 16 years and the victim has stated her age to be 18 years. Therefore, even if physical relationship was established, it was with consent of the victim girl. In the statement under Section 164 Cr. P.C., the victim has stated that petitioner was establishing physical relationship for 2-3 months. She has also stated in her statement that when nobody was present in the house of the petitioner, he used to call her to have relationship.

In such circumstances, this Court finds that even if allegation is taken to be true, then it was with consent of both the parties.

Counsel for the Informant has appeared and opposed the prayer for bail. It has been submitted that victim girl was minor aged about 15 years as per her Birth Certificate.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Mahila P.S. Case No.58 of 2018**, he shall be released on anticipatory bail on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Bhojpur at Ara**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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