

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43517 of 2019

Arising Out of PS. Case No.-132 Year-2018 Thana- MAHILA P.S. District- Patna

Amresh Kumar @ Amresh @ Sonu Son of Sri Arun Kumar Singh Resident of
Village - Jalalpur, P.S.- Kargahar, Distt - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Din Bandhu Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner apprehends his arrest in Mahila P.S.
Case No.132 of 2018 registered under Sections 376, 506, 509,
420 and 34 of the Indian Penal Code.

The informant disclosed that she was married to one
Raj Kumar Singh in the year 2000 and she got two sons. Her
husband left the house in the year 2008 in search of job. She
further disclosed that the petitioner was living in her house as a
tenant since 2013. The petitioner came in contact with the
informant and on the pretext of marriage, the petitioner have
had sexual relation with the informant. It is further alleged that
the informant and the petitioner were living together but when
the informant insisted to marry, the petitioner asked to transfer



the house in his name and did not marry with the informant.

Learned counsel for the petitioner submits that the informant also made her statement under section 164 of the Cr.P.C. The informant is a married woman and she got two sons. The offence under section 376 of the IPC is not made out. The informant is a consenting party. It is further submitted that there was no assurance of marriage from the side of the petitioner.

Learned counsel for the informant, on the other hand, submits that on assurance of marriage with the informant, the petitioner established physical relation and exploited the informant for years and at least offence under section 420 of the IPC is made out.

On perusal of the F.I.R. and the statement of the victim recorded under section 164 of the Cr.P.C., it appears that the victim is a consenting party and she lived with the petitioner out of her free will but later on, due to some dispute as alleged by the informant that the petitioner refused to marry, the informant lodged the case.

Having considered the facts that the informant being a major appears to be a consenting party and she was living voluntarily with the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court



below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No.132 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

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

