

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41209 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHILA P.S. District- Araria

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Suman Kumar Manjhi, Male, aged about 25 years, Son of Late Arjun Manjhi
Resident of Village- Parariya, P.S.- Palari, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Gopal Kumar Jha, Advocate
For the State	:	Mr. J.K. Singh, APP
For the Informant	:	Mr. Mrigendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 341, 323 and 506/34 of the Indian Penal Code registered in connection with Araria (Mahila) P.S. Case No. 16 of 2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation that he established physical relationship with the informant on the pretext of marriage but later on, after a year resiled from his consent. It is submitted that the informant is a major girl of about 21 years of age and relationship was consensual. The FIR has been instituted merely to create pressure upon the petitioner for marriage.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition. Learned counsel for the informant invites reference to a recent decision of the Hon'ble Supreme Court in *Anurag Soni Vs. The State of Chhattisgarh* (AIR Weekly 2019 SC 1857) to submit that there was no valid consent of the informant which had been obtained on misconception of fact as



mentioned in Section 90 of the IPC.

5. Be that as it may, and considering that the facts in *Anurag Soni's* case (Supra) are distinguishable from the facts of the present case inasmuch as the prosecution has not shown any material to indicate the petitioner's intention from the very inception not to marry the informant, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Mahila) P.S. Case No. 16 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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