

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44422 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- DIGHA District- Patna

Guljari Devi W/o Lalan Paswan, R/o- Hamidpur, Gate No. 80, Kurjipul, P.S.-
Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Digha P.S. Case No. 179 of 2019 registered for offence punishable under sections 354, 376, 420/34 of the Indian Penal Code.

As per allegation, the son of the petitioner has forcibly established the sexual relationship with the victim girl, thereafter, she stopped meeting with the son of the petitioner. After some time, the son of the petitioner again established sexual relationship with the victim girl. Thereafter all the three went to Bihar Sharif and in turn, the son of petitioner has declared that the marriage was solemnised on 18.03.2019. Again the son of the petitioner established sexual relationship.



When she raised alarm, the people of the locality came and Mukesh Kumar was handed over to Mukhiya and thereafter petitioner came along with the heavy amount and tried to bribe her in hush up the matter, but the victim refused to accept the offer of the petitioner.

The learned counsel for the petitioner submits that it is a consensual relationship, there was no forceful sexual relationship and the story, that has been narrated, appears to be absurd. The informant has shown her age 24 years, but the court below has assessed her age as 25 years.

Looking to the entire facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, CBI-II, Patna in connection with Digha P.S. Case No. 179 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not



induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Shivaji Pandey, J)

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