

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53665 of 2019**

Arising Out of PS. Case No.-65 Year-2019 Thana- DELHA District- Gaya

RAHUL PASWAN @ RAHUL KUMAR S/o Bakhori Paswan R/o Mohalla-
Loco Colony, Bageshwari, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 27-08-2019 Heard both sides.

The petitioner apprehends his arrest in Delha P.S. case No. 65 of 2019 registered under Section 376/420 of the IPC.

The informant alleged that she was married in the year 2015 and she had gone to her husband's house for nine days thereafter she returned to her parents' house. The informant went to take tuition at the residence of the petitioner since March, 2016. The petitioner is said to have assured the informant of marriage with her provided she divorced his husband. She further alleged that petitioner kept the informant as wife and also established physical relation but on 15.01.2019 Bakhori Paswan came and took his son Rahul Paswan, the petitioner, thereafter the petitioner did not return.

The learned counsel for the petitioner submits that petitioner herself was a consenting party and she was living with the petitioner as wife. The petitioner never gave any false promise. No case u/s 376 of 420 of the IPC is made out but the learned counsel for the informant as well as the learned APP



submit that from the inception of the relation the petitioner made false promise of marriage with the informant and as such the petitioner does not deserve anticipatory bail.

Having considered the submissions and on perusal of the FIR itself, it appears that informant was married in the year 2015. She came to her parents house and started living with the petitioner as wife. The informant never insisted to get married with the petitioner. The informant appears to be a consenting party and she was living in live-in relation with the petitioner.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the 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 his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Delha P.S. case No. 65 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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