

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61116 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA P.S. District- Rohtas

BIPIN KUMAR Son of Late Bihari Singh Resident of Village - Kamalpur,
P.S.- Kargahar (Badahari O.P.), Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in a case
registered under Section 376 of the Indian Penal Code.

The prosecution allegation in short is that the accused
person established physical relation with the informant on the
pretext of marriage.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the
present case. On recovery, the statement of the victim has been
recorded under Section 164 Cr.P.C. in which she has admitted
that she had consensual physical relationship with the petitioner



on the pretext of marriage. The petitioner has further placed reliance of a case of the Hon'ble Supreme Court since reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors.)**. Admittedly, it is a case of consensual sex. Hence, no offence under section 376 IPC is made out.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri S.K. Sharma, A.C.J.M., Sasaram in connection with Mahila P.S. Case No. 23 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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