

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21665 of 2020

Arising Out of P.S. Case No- 48 Year- 2019 Thana- Mahila (Samastipur), Dist.- Samastipur

1. ROHIT KUMAR aged about 29 years, (male), S/o- Jagdish Rai @ Jagdish Ray, R/o village- Jitwarpur Nijamat, P.S.- Samastipur Mufassil, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Bijay Bhushan Prasad, Advocate
	:	Ms.Vandana Singh Shekhar
	:	Mr.Harshvardhan
	:	Ms.Sadhana Suman
For the Opposite Party	:	Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-08-2020 Heard Mr. Bijay Bhushan Prasad, learned counsel appearing on behalf of the petitioner and Mrs. Gulnar Begum, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Mahila (Samastipur) P.S. Case No. 48 of 2019, registered for the offence punishable under Sections 323, 34, 341, 376 and 504 of the Indian Penal Code.

The statement of the victim has been recorded under Section 164 of the Cr.P.C., a copy of which has been brought on record by way of Annexure 2 of this application. According to



the said statement, the alleged victim was married earlier, who had deserted her. It is her case that thereafter she had developed amorous relationship with the petitioner and she stayed with him for four years. According to her, thereafter he abandoned her and asked her not to come back to him ever. There is allegation in the F.I.R. that the petitioner had established physical relationship with the informant on false pretext of marrying her.

It has been argued on behalf of the petitioner that the petitioner is married and the informant is also married to some other person. There would have been no question of false assurance of marriage by the petitioner in the absence of any disclosure that the informant's previous marriage was dissolved.

Considering the nature of accusation and the statement of the alleged victim recorded under Section 164 of the Cr.P.C., this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri. Abhishek Kumar, learned Judicial Magistrate 1st Class, Samastipur in connection with Mahila (Samastipur)



P.S. Case No. 48 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate



electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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