

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23099 of 2020

Arising Out of PS. Case No.-556 Year-2019 Thana- JAYNAGAR District- Madhubani

SHANKAR KUMAR MAHTO @ SHANKAR MAHTO @ SHANKAR
KUMAR S/o Late Parmeshwar Mahto Resident of Village-Betonaha, P.S.-
Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma
For the State : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 420/376 of the Indian Penal Code.

Allegedly, on the pretext of marriage, the petitioner used
to establish physical relationship with the informant and



ultimately, when the informant asked the petitioner to solemnize marriage with her, he did not accede to.

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 been falsely implicated in the present case. On the pretext of marriage, consensual physical relationship was established by the petitioner with the informant. The informant happens to be Bhabhi of the petitioner. On the pretext of marriage, the petitioner had physical relationship with the informant for five years. The petitioner has further relied upon the case of the Hon'ble Supreme Court reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra and Ors.)*** The petitioner has also relied upon the order passed by the Hon'ble Supreme Court in the case of ***Maheshwar Tigga Vs The State of Jharkhand in Cr. Appeal No. 635 of 2020 corresponding to SLP (Cri.) No. 393 of 2020.***

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest or



surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 556 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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