

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28914 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- BODHGAYA District- Gaya

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DILIP KUMAR S/o Arjun Chaudhari Resident of Village-Bhagwanpur, P.S.-
Chandi, District-Nalanda. At present posted as constable bearing constable
No.1985, Traffic office, Bodh-Gaya, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

This application, for grant of anticipatory bail, arises
out of Bodh Gaya Police Station Case No. 144 of 2020,
disclosing offences under Sections 376/313/420/504/506 of the
Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the husband of the informant had left her and her
children six years ago and she was earning her livelihood by
doing private job. It has been alleged that the petitioner
developed physical relationship with the informant on the
pretext of marriage and the informant became pregnant and



asked the petitioner to marry her, but the petitioner refused to marry her.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case. He further submits that the informant is a married lady, of 40 years old and she is the mother of four children and initially her marriage was solemnized about 14 years ago with one Ashok Kumar and out of that wedlock, she has one child and thereafter she performed another marriage with one Dharmendra Yadav and spent ten years of conjugal life with him and out of this wedlock, she has three children. He further submits that the informant performed second marriage without having any decree of divorce in her favour and taking into consideration the nature of allegation on its face value, at best, it may be said to be a case of consensual sex between the petitioner and the informant. He further submits that the petitioner is a married person and was living in a rented premises along with his wife, children and mother and the informant was also residing in the same premises as a tenant.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record in its totality, I am inclined to grant the petitioner privilege of



anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, 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 learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya Police Station Case No. 144 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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