

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29475 of 2020

Arising Out of PS. Case No.-392 Year-2020 Thana- MASAUDHI District- Patna

=====

Ratnesh Kumar Goshwami @ Ratnesh Goswami, age about 22 years (Male)
son of Manoj Goswami, Resident of Main Road Vijay Market, P.S-Masauri,
District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan , Senior Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh , A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-01-2021 Heard Mr. Rajendra Narayan , learned senior counsel

for the petitioner and Mr. Uday Pratap Singh, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with

Masauri P.S. Case No. 392 of 2020 registered for the offence

punishable under Sections 376 / 493 of the I.P.C.

The allegation as per the First Information Report is

that the petitioner on false pretext of marriage with the

informant entered into physical relationship with her and

subsequently, the petitioner turned around and refused to marry

with the informant. It has been alleged that physical relationship

between the petitioner and the informant continued for about



more than 01 year.

Learned senior counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged inasmuch as relying on the F.I.R. learned counsel submits that the age of the victim girl is 21 years and she is major and physical relationship between the parties was based on consent given by the victim / informant out of love and affection between the informant and the petitioner. Learned counsel further submits that the victim used to come and reside with the petitioner at his home and she also developed acquaintance with the family members of the petitioner. Learned counsel referring to the supplementary affidavit submits that the petitioner came to know that apart from having physical relationship with the petitioner, the victim-informant was also having relationship with two other boys and due to this information received by family members of the petitioner, the mother of the petitioner did not allow him to solemnize marriage with the victim girl. Referring to the First Information Report learned counsel submits that despite the fact that the mother of the petitioner opposed the marriage, the victim girl again entered into physical relationship with the petitioner which goes to show that the petitioner was not having bad intention from the very inception



not to marry the informant but it was due to circumstances which emerged subsequently and the family members opposed the marriage between the petitioner and the victim girl. However, learned senior counsel submits that physical relationship between the parties i.e. between the petitioner and the victim girl was a consensual relationship and the same will not fall under the ambit of Section 90 of the I.P.C. Learned counsel thus submits that promise at all, if any made by the petitioner, was not a false promise given in bad faith with no intention to adhere to it at the time it was made.

On the other hand, learned counsel for the State submits that from perusal of the First Information Report it would be evident that the informant has clearly alleged that the petitioner established sexual relationship with the informant on false promise of marriage as such, he does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, the nature of allegation in totality made in the First Information Report and the fact that family members of the petitioner opposed the solemnization of marriage between the petitioner and informant, I am inclined to grant anticipatory bail to the



petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall 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 S.D.J.M. Masauri / court concerned in connection with Masauri P.S. Case No. 392 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

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

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

