

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36163 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- MAHILA P.S. District- Patna

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Binit Kumar Sinha son of Umesh Kumar Sinha resident of Lal Bahadur Shashtri Nagar, Quarter No. 523/800, near Govt. Girls High School, P.s.- Shashtri Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Sinha

For the Opposite Party/s : Mr. N. Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-04-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered under Sections 376,, 420 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused person established physical relation with the victim on the assurance of the marriage and later denied.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the F.I.R., on the pretext of marriage, physical



relationship is said to have been established between the parties. Subsequently, it is alleged that the petitioner refused to marry with the victim. Learned counsel for the petitioner submits that at best, it is a case of consensual relationship. He has 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).**

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

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 eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class-13, Patna in connection with Mahila P.S. Case No. 63/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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