

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6376 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA P.S. District- Rohtas

SANDEEP KUMAR S/o Gopal Mistry Resident of Village- Chhotki Delha,
P.S.- Delha, Distt- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. APP
For the informant	:	Mr. Kamendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2021 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

virtual mode.

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

The petitioner is apprehending his arrest in a case
registered under Sections 376, 420, 504, 506 of the Indian Penal
Code.

Allegation is that the petitioner has been making
physical relation with the victim for last three years by giving
false promise of marriage. The petitioner committed rape upon
the victim by administering some intoxicant.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. As per the allegation, the petitioner has established physical relation with the victim on the pretext of marriage. Learned counsel for the petitioner submits that from perusal of the F.I.R. itself, it is a case of consensual sex. He has placed reliance on 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 and learned counsel for the informant, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Sri Sachin Kumar Mishra, Judicial Magistrate, 1st class, Sasaram, District Rohtas in connection with Mahila P.S. case No.38 of 2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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