

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17433 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- MAHILA P.S. District- Nalanda

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Sujeet Kumar @ Chhotu, aged about 22 years, Male Son of Ram Pramod,
Resident of Mohalla- Garhpar, P.S.- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 12-01-2022 Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Nalanda Mahila P.S. Case No. 114 of 2020 instituted for the offences punishable under Sections 376, 323, 504, 506/34 of the Indian Penal Code.

Considering the nature of allegation and the statement recorded by the prosecutrix, where she stated that she has sexual relationship with the accused on her own free will and she has registered the complaint merely because the marriage could not take place, I do not find it a case falling within the definition of rape in terms of Section 375 of the Indian Penal Code and accordingly, the petitioner is entitled to be granted bail, in the event of arrest he shall be released on anticipatory bail, subject

to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Sanjeev Prakash Sharma, J)

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