

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28292 of 2022**

Arising Out of PS. Case No.-636 Year-2021 Thana- KAHALGAON District- Bhagalpur

Nitish Kumar @ Nitesh Kumar S/o Suchit Yadav R/o village- Pathar, P.O.-
Kushmi, P.S.- Mahagama, District- Godda (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Harsh Singh, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 01-11-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defect(s) as pointed out by the office within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered for the offence under Section-376 of the Indian Penal
Code.

Allegedly, on the pretext of marriage, the petitioner
established physical relationship with the victim and later on, he
refused to marry her.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has been made accused in this case due to mistake of fact. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, the marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. As per FIR, the alleged occurrence is said to have taken place on 17-05-2021 and the case was instituted on 21-09-2021. The delay in instituting the case has not been explained by the prosecution. The petitioner has placed reliance on cases of the Hon'ble Supreme Court since reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors.)***

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

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 twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each of the satisfaction of learned Chief Judicial



Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case
No. 636 of 2021 subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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