

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41524 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- VIJAYEPUR District- Gopalganj

=====

MOHIT KUMAR MADHESIYA S/o Sri Rajesh Kumar Madheshiya R/o
village- Parsiya, Bhagwati Maghara, P.S.- Khushundu, District- Deoria (U.P.)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Neha Kumari Gupta D/o Sri Rajesh Kumar Gupta R/o village- Mushehari ,
P.S.- Bijaipur, District- Gopalganj (Bihar)

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Munna Pd Dixit (M.P. Dixit), Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 406, 420, 467, 468, 376, 323, 120(B)
of the Indian Penal Code and ³/₄ of D.P. Act.

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

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 falsely been implicated in the present case. As per the allegation, the petitioner is alleged to have established physical relationship on the assurance of marriage. Learned counsel for the petitioner submits that the said relationship between the parties was a consensual relationship. He 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 Maharastra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and 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 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bijaipur P.S. Case No. 02 of 2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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

