

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38685 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- MAHILA P.S. District- Patna

SUNNY KUMAR Son of Bahdhu Kumar Resident of Village - Behind Ram
Mandir Balu Ghat, Muzaffarpur, Muzaffarpur Town, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP
Mr. Nishant Vikram, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-12-2022 Heard the parties.

Learned counsel for the petitioner filed a supplementary affidavit in the present case. Let the same be accepted and kept on record.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 376, 379 of IPC.

Allegedly, the petitioner established physical relationship with the informant for about two and half years on the pretext of marriage. The petitioner kept her in a flat in Vashundram Apartment, Boring Road. In the meantime, the informant gave birth to a female child. The petitioner sent her by flight at the house of her mother at Punjab. It is further alleged that the petitioner broke the lock of the flat and took away ATM,



mangalsutra and other jewellery and case of Rs.30,000/- and fled away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that the informant is an adult and from the perusal of the FIR, it is apparent that the informant out of her sweet will established physical relation with the petitioner. The petitioner has relied upon the judgment of the Hon'ble Apex Court in *Ansaar Mohammad Vs. State of Rajasthan* in *Cr.Appeal No.962 of 2022(@ SLP(CRL.) No.5326 of 2022)*. He further submits that it is wrongly mentioned in para-3 of the petition that the petitioner has no criminal antecedent but by way of supplementary affidavit it is stated that petitioner has one criminal antecedent (para-2 of the supplementary affidavit).

Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for anticipatory bail and submitted that all the documents were signed forcefully by the O.P. no.2 in the police station and no material articles has been



returned to the O.P. No.2.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of her arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Patna Mahila P.S. Case No.64 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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