

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52186 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA P.S. District- Samastipur

Nandan Kumar @ Nandan Kumar Singh Son Of Lalan Singh R/O
Gurudaspur Nagar Parishad, Ward No.-19, Bihat, P.S.- Bihat, District-
Begusarai, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Preety Kunwar

For the Opposite Party/s : Mr. Ajay Kumar No. 2

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

ORAL ORDER

2 17-02-2022

Heard both the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No.41 of 2021 instituted for the offences under Sections 323, 341, 376, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner and the prosecutrix were in living relationship as mentioned in the F.I.R. itself and the F.I.R. has been registered under section 376 of the Indian Penal Code, solely on the ground that the petitioner has later on refused to marry the prosecutrix. Learned counsel submits that refusal to marry cannot be a ground to charge rape against the petitioner and relationship was consensual as there was no promise in marriage



in living relationship.

Taking into consideration the provision under section 375 IPC prima facie case of rape is not made out.

In view thereof, I am inclined to grant benefit of anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

amit/-

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

