

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53040 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- MAHILA P.S. District- Patna

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Pavan Kumar Son Of Janardan Sharma R/O Village- Sanjhauli, P.S.-
Sanjhauli, Dist.- Rohtas

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Khushboo Kumari D/O Dinesh Singh R/O Village- Mali, P.S. And P.O.-
Bidyapati Nagar, Dist.- Samastipur, At Present Of Mohalla- Raja Bazar, Beli
Road, Piller No. 80, P.S.- Shastri Nagar, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-12-2022 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

The petitioner is apprehending their arrest in a case
registered for the offence punishable under Sections 376, 420
and 504/34 of the Indian Penal Code.

Allegedly, it is a case of commission of rape upon the
informant on the pretext of solemnizing marriage with her.

It is submitted by learned counsel for the petitioner
that the petitioner has falsely been implicated in this case. He
further submits that the petitioner has never lived with the
informant and he has not established physical relationship with
the informant and he has also not taken the amount of Rs.4 lacs



from the informant. He further submits that the statement of the victim girl recorded under Section 164 of the Cr.P.C. wherein she stated that she solemnized marriage in the year 2013 but her husband died on 08.05.2017 who was suffering from cancer.

However, learned APP for the State has opposed the anticipatory bail of the petitioner and submitted that petitioner has established sexual relationship with the victim on the pretext of marriage due to which she became pregnant but the petitioner retracted from his promise of marrying her.

Considering the aforesaid submissions, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four 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 Sri Arvind Kumar Singh, Judicial Magistrate, Ist Class, Patna/concerned Court in connection with Mahila P.S. Case No. 38 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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