

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59430 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAHILA PS District- Gaya

Sanjeet Kumar S/O Rampravesh Das R/O Kaji Bigha, P.O-Kabar, P.S- Anti,
District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate

For the Opposite Party/s : Mr. Harendra 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
defect(s), as pointed out by the office, within a period of four weeks.

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

Allegation against the petitioner is of establishing physical
relationship with the informant on the pretext of marriage.

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 the present case due to mistake of fact. On
the pretext of marriage, the petitioner is alleged to have established
physical relationship with the informant. The same was consensual
relationship between the parties. The informant has filed a petition
(Annexure-2 to this application) in the court below in which, she has



retracted from her earlier statement made in the FIR. The petitioner has further placed reliance of 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.*) 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 Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of Smt. Priti Kumari, learned Judicial Magistrate-Ist Class, Gaya in connection with Mahila P.S. Case No. 21 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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