

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59616 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- SONO District- Jamui

Rajesh Kumar @ Rajesh Kumar Thakur, S/O- Krishna Thakur R/O- Village-
Bhojpur, P.S.- Devipur, District- Deoghar (Jharkhand).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-11-2022 The learned counsel for the petitioner submits that the defect as pointed by the office shall be removed within course of the day.

Permission is accorded.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420 and 376 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that she came closed with the petitioner while working together in a private company. Further, on pretext of marriage, petitioner established physical relation from 25.12.2020. Thereafter, on 21.10.2021 refused to marry her. Further when she went to the house



of the petitioner to complain, she was abused and assaulted by his family members.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that both the petitioner and the informant were working in a private company. They came closed, fell in love and then, they entered in physical relation. It is next submitted that the informant is a major and as such, it cannot be presumed that she was not capable of understanding the consequences of her action. It is also submitted that when the relationship soured, the present false case came to be instituted.

The learned counsel next relies on an order of the Hon'ble Supreme Court in the case of ***Ansaar Mohammad v. State of Rajasthan and another reported in AIR 2022 Supreme Court 3478*** wherein the Hon'ble Supreme Court were pleased to set aside the order passed by the Hon'ble Rajasthan High Court refusing anticipatory bail to the petitioner in a case similar to the present one and draws the attention of the Court to Paragraph-3 of the order wherein it has been recorded:-

“3. In view of the said fact, the complainant has been staying willingly with the appellant and had the relationship. Therefore, now if the relationship is not working out, the same cannot be a ground for lodging



an FIR for the offence under Section 376(2)(n) IPC. ”

The learned counsel at the cost of repetition submits that the petitioner is innocent and whatever happened, happened between two consenting adults.

The learned Additional P. P. opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sono P. S. Case No.367 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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