

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67863 of 2021

Arising Out of PS. Case No.-412 Year-2021 Thana- KAHALGAON District- Bhagalpur

BILTAN KUMAR S/O JANARDAN MANDAL R/o village- Rasalpur,
District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 06-04-2022 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 Kahalgaon P.S. Case No. 412 of 2021 registered under Section 376 of the Indian Penal Code.

Prosecution case in short is that the petitioner by showing pistol took the informant/victim in a room and on the pretext of marriage, committed rape upon her.

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 falsely implicated in the present case. The petitioner is working in CISF. There was negotiation for marriage between the petitioner and the informant/victim but the same could not be worked out for one reason or the other. In retaliation to the same, the present case has been instituted. The medical examination report of the victim does not support the allegation of any such physical relationship between the petitioner and the victim. The FIR itself discloses that physical relationship was on the pretext of marriage but the same is not supported by the medical evidence. It is further submitted that the same was consensual relationship between the parties. He has placed reliance on the 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 412 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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