

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6947 of 2023**

Arising Out of PS. Case No.-125 Year-2022 Thana- KESARIA District- East Champaran

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ASHISH KUMAR S/O LAKHINDRA SAHANI Resident of Village-  
Bijdhari, P.S.- Kesaria, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Ramchandra Sahni

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      11-05-2023                      Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 376/34 and other allied sections of the Indian Penal Code and section 65E of the IT Act.

As per the prosecution case, petitioner established physical relation with the informant on the pretext of marriage and pregnancy of the informant was also got aborted at his instance.

Learned counsel for the petitioner submits that there was love affair between the parties and with consent of the informant, petitioner established physical relation for six years. Both of them engaged in sexual activity for quite some time which cannot be said to be induced and involuntary. As such,



allegation of inducement and commission of rape is not made out against the petitioner. Petitioner has got no criminal antecedent.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in Kesaria Police Station Case No. 125 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Shashi

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