

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12194 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHKAR District- Gaya

GAUTAM KUMAR @ VIJETA Son of Binod Kumar @ Vinod Kumar @
Binod Kumar Singh Resident of Village - Rauniya, P.S.- Mahkar, District -
Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner, the State and
the informant.

The petitioner apprehends arrest in a case registered
for the offence punishable under sections 376/493 of the Indian
Penal Code.

As per the prosecution case, this petitioner is alleged
to have established physical relation with the informant on the
pretext of marriage.

Learned counsel appearing for the petitioner submits
that from bare perusal of the FIR itself it appears that both
parties were in love and with consent of the informant who is
major, the petitioner established physical relation with her. 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 clean antecedent.

Learned counsel for the State as well as the informant oppose the prayer for bail.

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 Judicial Magistrate I, Gaya in Mahkar Police Station Case No. 39 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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