

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20885 of 2023**

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA P.S. District- Madhepura

VINOD KUMAR S/o- KUSHUMLAL YADAV Village- Pithahi Ps-  
Madhepura Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      24-06-2023                      Heard learned Counsel for the petitioner and  
learned for the informant.

This application, for grant of anticipatory bail, arises out of Madhepura Mahila Police Station Case No. 39 of 2022, dated 02.08.2022, disclosing offences under Sections 448/341/323/376/354/379/504/313/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that the petitioner, on the pretext of marriage, established physical relationship with the informant, subsequently he performed marriage with informant through affidavit and thereafter fled away with mobile phone and other valuables belonging to the informant.

Learned Counsel for the petitioner submits that from perusal of the First Information Report, it would be



evident that both the petitioner as well as the informant are married persons. He further submits that there was consensual relationship between both the parties and as per the First Information Report they were living as husband and wife since 2016 and the First Information Report has been lodged after six years, in the year 2022, when the petitioner allegedly fled away from the house of the informant with mobile phone and other valuables. He further submits that the informant has accepted that the petitioner has performed marriage by way of affidavit with her and as such no offence under Section 376 is made out.

On the other hand, learned counsel for the informant opposes the prayer for bail and submits that the petitioner has continued relationship with the informant, but in breach of his promise, he fled away along with mobile phone and other valuables of the informant.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the informant and the petitioner were married at the time of entering into the relationship and the relationship continued for a fairly long period of time i.e. about more than six years, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura Mahila Police Station Case No. 39 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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