

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35229 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S. District- Samastipur

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Kumar Madhukesh @ Kr. Madhukesh Son Of Kumar Brajbhushan R/O
Village And P.O.- Baghra, P.S.- Patori, District - Samastipur, Bihar - 848506.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Kumari Daughter of Munna Rai Gram- Mohanpur, Ward No.- 13,
P.S.- Patori, District - Samastipur.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr, Adv.
Mr. Vishal Vikram Rana, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2023 Learned senior counsel for the petitioner has filed the
supplementary affidavit today in Court.

2. Let it be kept on record.

3. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 376, 354C,
341, 504, 506 of the Indian Penal Code.

5. Learned senior counsel for the petitioner
submits that the petitioner is innocent and has been falsely
implicated in this case. Learned senior counsel for the petitioner
further submits that the informant has solemnized her marriage
with one person namely Pankaj Kumar as stated in para-3 of the



supplementary affidavit. He also relied upon a judgment in the case of **Ansaar Mohammad Vs. The State of Rajasthan & Anr. (Criminal Appeal No. 962 of 2022)** wherein it is held that 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) of the IPC. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Mahila P.S. Case No. 04 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

devendra/-

(Anjani Kumar Sharan, J)

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