

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41128 of 2023**

Arising Out of PS. Case No.-238 Year-2022 Thana- CHAKAND District- Gaya

Santosh Kumar Son of Sri Jagdish Prasad Resident of village-Mau, Police
Station-Tekari (Mau O.P.), District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Opposite Party/s : Mr. Shantanu Kumar

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

3 29-08-2023 Heard both parties.

2. The petitioner apprehends his arrest in Chakand P.S. Case No. 238 of 2022, registered for the offences punishable under Sections 376, 493 of the Indian Penal Code.

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

4. It is submitted by the counsel for petitioner that petitioner has been falsely implicated in this case. As a matter of fact, friendship developed between the parties during the course of examination of NTPC. Petitioner is a policeman in Bihar Police and the informant was well known about job of petitioner. Both parties are major and relationship was consensual and as such, no offence under Section 376 is made



out. Petitioner claims clean antecedent.

5. Counsel for State however vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against this petitioner is that on the pretext of marriage this petitioner established physical relation with the informant.

6. Considering the facts aforesaid and nature of accusation, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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