

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38725 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA P.S. District- Patna

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Manish Kumar S/o Sanjay Kumar Singh, R/o Vill.- Rajia, P.S.- Piro, District-
Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-04-2023 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Due to non-availability of file, the order could not be
typed in time.

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Informant. Learned
Additional Public Prosecutor for the State is also present.

The petitioner apprehends his arrest in connection
with Patna Mahila P.S. Case No. 37/2018 registered for the
offences punishable under Sections 376/34 of the Indian Penal
Code and Section 67(A) of the Information Technology Act.

As per the F.I.R., the informant Puja Kumari and the
petitioner were working together in a Real Estate Company and
during their job, they met there and after a passage of some
time, the petitioner became known to the family of the



informant.

After 3-4 months, the petitioner gave proposal for marriage to the informant and thereafter, the informant wanted some time to decide on the proposal. After few months, the petitioner called the informant in his room and forcibly established physical relationship with the informant and when the informant threatened him that she will inform her parents and the police about the forced physical relationship being established by the petitioner then the petitioner and his friend Ashok started sending dirty messages. They also started threatening the informant.

Learned counsel for the petitioner has submitted that from the reading of the F.I.R. and the statement made under Section 164 of the Cr. P.C., no offence under Section 376 of the Indian Penal Code is made out and he is squarely covered by the judgment of the Supreme Court in the case of ***Sonu @ Subhash Kumar Vs. State of U.P. and Anr. [2021 SCC Online SC 181]***. He also submits that the facts and case of the ***Sonu @ Subhash Kumar Vs. State of U.P. and Anr. (Supra)*** are same and similar and therefore, the petitioner deserves the same relief as has been granted by the Hon'ble Supreme Court in the case of ***Sonu @ Subhash Kumar Vs. State of U.P. and Anr. (Supra)***.



Learned counsel for the informant Mr. Raghunandan Kumar Singh and the learned counsel for the State Mr. Anil, A.C. to S.C.-8 have appeared and have opposed the present application.

Learned counsel for the informant Mr. Raghunandan Kumar Singh at the very outset has submitted that from reading of the F.I.R., offence under Section 376 of the Indian Penal Code is made out. He has also submitted that on a plain reading of the F.I.R., it is clear that the petitioner had committed rape upon the informant.

Considering the facts and circumstances of the case and also the submissions advanced on behalf of the parties, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Sandeep Kumar, J)

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