

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46944 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- HULASGANJ District- Jehanabad

GUDDU KUMAR S/o Late Surendra Paswan Resident of- Kokarsa, P.O.-
Bhagwanpur, P.S.- Hulasganj, District- Jehanabad Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Hulasganj P.S. Case No. 197 of 2021 for the offence registered under Sections 341, 323, 376, 354, 379 and 420 of the Indian Penal Code.

The allegation in the FIR is that the informant's husband was employed in Delhi and she was pursuing her studies at home and the petitioner who is brother-in-law (*dewar*) on the promise of arrangement of job made physical relationship with her as also made video. The further allegation is that since last two or three months, he stopped talking to her and further threatened her and also relieved her of gold-chain and ear-ring.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that no case under Section 376 is made out inasmuch as the lady herself had stated that they made



physical relationship. So far as the snatching of the gold-chain and the amount are concerned, from the FIR itself it seems that as the petitioner stopped talking to her, annoyed with him, the FIR was lodged and the allegations were exaggerated.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that the FIR itself shows that there was a consensual physical relationship between the parties, the petitioner do not have any criminal antecedent, would co-operate in the investigation and ultimately has to face the Trial, this Court is inclined to grant him relief.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Hulasganj P.S. Case No. 197 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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