

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48447 of 2022

Arising Out of PS. Case No.-535 Year-2021 Thana- KUDHNI District- Muzaffarpur

RAHUL KUMAR S/o Manoj Sah Resident of Village- Jhikati Urf Salimpur
Husain, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr. Masoom Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and the learned APP for the State as also the informant through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with Kudhani (Turki O.P.) P.S. Case No.535 of 2021 instituted under Sections 363,420,376,504,506 read with Section 34 of the Indian Penal Code.

As per the FIR, the allegation is that in the night of 07-07-2021, Sandeep Singh made telephonic call whereafter she went along with him to Muzaffarpur where he established physical relationship with her. Further allegation is that one Vishwakarma Kumar along with Mithilesh Singh also had physical relationship with her two months prior to the present occurrence at her house and again Rakesh Singh, Ajit Kumar



and Rahul Kumar also had the same physical relationship with her and she was threatened of dire consequences and was also illegally confined.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that she on her own will had physical relationship with people named above (Sandeep Singh). However, thereafter she has dragged in number of persons alleging physical relationship with them with ulterior motives. Further, the allegation is of 07-07-2021 whereas the FIR is of 23-07-2021. The last submission is that he do not have criminal antecedent and is ready to co-operate in the investigation as also to appear before the concerned police station for next six months every fortnight to mark his attendance.

Learned APP and the informant opposes the prayer for anticipatory bail stating that there is allegation of physical relationship by the accused persons including the petitioner with the informant.

Taking into account the fact that the lady as per the FIR was taken up by Sandeep Singh and she went along with her to Muzaffarpur where he established physical relationship with her and thereafter the allegation is against number of



persons. Further, the petitioner do not have criminal antecedent and he is ready to co-operate in the investigation, is a young man of 26 years and will be visiting the police station for next six months every fortnight to mark his attendance, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kudhani (Turki O.P.) P.S. Case No.535 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, Ist (West) Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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