

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49568 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- JAKKANPUR District- Patna

SURAJ YADAV Son of Arun Yadav @ Runnu Resident of Village - Saristabad, Purvi tola, Devi Asthan, Police Station- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nisha Singh
For the Opposite Party/s : Mr. Shyameshwar Dayal
Mr. Jitendra Narayan Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 06-07-2023 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 376/ 379 of the Indian Penal Code.

As per the prosecution case, the informant, who is 19 years old, came in touch with this petitioner through mobile and developed friendship with him and thereafter physical relation was also established. She remained with the petitioner in the house arranged by him and thereafter it is alleged that on 24/05/2022 petitioner along with his cousin abused her and ousted her from the house. Jewelry of the informant was also taken by this petitioner.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has falsely been implicated in the case. It is further submitted that both parties are adult and relation was consensual. The victim herself remained in company of this petitioner for such a long time and both of them enjoyed each others company. The same cannot be said to be induced or involuntary. It is next submitted that victim was demanding money from the petitioner and due to non payment of the same petitioner has been implicated in this false and concocted case. As a matter of fact, petitioner himself was victim of circumstances. Petitioner has got clean antecedent.

Learned counsel appearing for the State and the informant vehemently opposed the prayer for anticipatory bail and submitted that victim in her statement u/s 164 of the Cr.P.C. supported the prosecution case.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner coupled with the fact that relation between two adults was consensual, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- I, Patna in connection with Jakkanpur PS case No. 314/ 2022, subject to conditions laid down u/s



438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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