

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53040 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA PS District- Jehanabad

Sintu Kumar Son Of Sharda Mistri Resident Of Village- Sewa Bigha, P.S-.
Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Vinay Mistry, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Arwal Mahila P.S. Case No. 23 of 2023, registered for the
offences punishable under Section 376 of the Indian Penal
Code.

3. Allegedly, both the petitioner and the informant
were acquainted to each other and on the pretext of marriage,
the petitioner has established physical relationship. When the
informant insisted for solemnization of marriage, the petitioner
refused for the same thereupon the marriage of the informant
has been solemnized in another place and when she again came
to her *maike*, the petitioner forcibly established physical



relationship with her due to which she became pregnant.

4. Learned counsel appearing on behalf of the petitioner submits that from the narrations of the FIR it is evident that there was a consensus relationship between the petitioner and the informant since 2020 and there has never been any allegation of forcible commission of rape. He further submits that in fact when the petitioner refused to solemnize the marriage, the marriage of the informant was solemnised at Village-Belao, P.S. Kaler, District-Arwal in the year 2021 and thereafter she has been peacefully residing but as she was not happy with the said marriage, she again insisted the petitioner for solemnization of the marriage and when the same is refuted, the present FIR has been instituted. He further submits that both the parties are major and they voluntarily indulged in the relationship, that apart, he submits that the informant is also blessed with a baby, who is now aged about five months, on account of consummation of her marriage with another person.

5. On the other hand, learned counsel for the State opposes the bail application and submits that there is specific allegation that on the pretext of marriage the petitioner exploited her by establishing physical relationship and, as such, his complicity cannot be denied.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that both the parties are major and, *prima facie*, the relationship appears to be consensus, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Arwal in connection with Arwal Mahila P.S. Case No. 23 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

