

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57231 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Krishna Sah @ Krishna Prasad Sah Son Of Bachcha Sah @ Bachcha Prasad
Resident Of Village- Fidar Bazar Chik Toli, Ps- Bhagwan Bazar, Dist- Saran
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bhagwan Bazar P.S. Case No. 179 of 2023 registered for the offenses punishable under Section 376 of the Indian Penal Code. The petitioner has no criminal antecedent.

3. As per the prosecution story, the informant and the petitioner knew each other as the petitioner has a ready-made garment shop from where the informant and her family members used to purchase articles. On 17.11.2022 at about 06:00 P.M. when the informant had gone to visit the shop of the petitioner, he forcefully established physical relation with her which she narrated to her family. It is further alleged that the police refused to lodge case as according to him the informant's



version was not trustworthy.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is further submitted that the petitioner and the victim lady have married and they are living as husband and wife.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case, considering the submission of learned counsel for the petitioner that the petitioner and the victim lady have married and they are living as husband and wife, this Court is of the opinion that instead of granting anticipatory bail in absence of the informant and without verification of this fact, it would be just and proper that the petitioner surrenders in the learned court below and, in case, it is found that the informant also appears to support his case, the learned court below shall consider the bail application keeping in view the statement of the informant on the same day.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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