

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60728 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- JAMALPUR District- Munger

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KUNDAN KUMAR @ GORAKH MANDAL S/o Late Kalika Prasad R/o-
Chhoti Keshopur, Nalapar, Near Saraswati Shishu Mandir, P.S.- Jamalpur,
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karuna Nath Sahay

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 376, 420, 406 and 120(B) of the Indian Penal Code pending in the learned court below.

A Complaint Petition is filed before the learned court below in which it is alleged that the complainant/informant is a lady and she belongs to Scheduled Caste community. It is further stated that the petitioner established physical relation with her seducing, deceiving her and sexually abused her. Later on petitioner solemnized marriage with the informant. Thereafter, a child was born from the wedlock. Allegation



against the petitioner is that he is in relationship with the informant since the last 13 years and he is making physical relationship with her on the pretext of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He relied upon the judgment of Hon'ble Apex Court passed in the case of Deepak Gulati vs. State of Haryana, reported in (2013) 7 SCC 675. He further submits that earlier the father of the informant lodged a false case against the petitioner being Jamalpur P.S. Case No. 81/2021 in which the petitioner was acquitted by the learned court below. He submits that petitioner never solemnized marriage with the informant. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in



connection with Jamalpur P.S. Case No.169/2021, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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