

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62333 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- RAJAON District- Banka

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Jitendra Kumar Son of Jagdeo Mandal, R/o vill - Rajawar, P.S. - Rajoun,
Distt. - Banka

... .. Petitioner

Versus

1. The State of Bihar.
2. Karishma Kumari Wife of Jitendra Kumar, D/o Pankaj Mandal R/o vill -
Rajawar, P.S. - Rajaun, Distt. - Banka

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 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 Rajoun P.S. Case No. 236 of 2023 registered for the offences punishable under Section 376 of the Indian Penal Code. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the allegation against the petitioner is that he established physical relationship with the informant on the pretext of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner and the informant are married now and they are living peacefully.



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

6. Having regard to the facts and circumstances of the case and the materials on the record showing that the petitioner and the victim girl are major and they have entered into marriage, from the FIR also it appears that the allegation against the petitioner was that he had established physical relationship with the informant on the pretext of marriage, thereafter he was refusing to marry her whereafter the FIR was lodged, taking note of the fact that the petitioner and the informant are married, they are living peacefully and they are also adult, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Rajoun P.S. Case No. 236 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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