

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63508 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MAHILA P.S. District- Araria

Manish Kumar S/O Prem Kumar Village- Saraiya, Ps- Chautham, Dist-
Khagaria, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari D/O Shambhu Sharan Rai Village- Kharhat, Po-
Fulmalik, Ps- Sahebpur Kamal, Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey APP 84
For the Informant	:	Mr. Rajnish Kumar, Advocate
		Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Araria Mahila P.S. Case No. 22 of 2023 dated 13.06.2023
instituted for the offence punishable under Sections 323, 313,
376, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant
is a police constable. She came in contact to the petitioner, who
is a deposition writer in Khagaria Civil Court, through
Facebook. It is alleged that the petitioner established physical
relation with her from May, 2020 to 22 April, 2023 on the
pretext of marriage.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the informant is a married woman who was using the Facebook account in the name of Khushi Patel, but later the petitioner came to know that real name of the informant is Khushboo Kumari. Learned counsel for the petitioner submits that by passing of time the informant developed feeling for the petitioner and showed willingness to marry to the petitioner in spite of knowing this fact that she is a married woman. Learned counsel for the petitioner submits that the informant and the petitioner are major. Learned counsel for the petitioner submits that from the statement under Section 164 Cr.P.C of the informant., it reveals that her marriage was solemnized with another person, but in F.I.R, she has suppressed this fact. Learned counsel for the petitioner submits that the Hon'ble Supreme Court in ***Dhruvaram Muralidhar Sonar Vs. The State of Maharashtra*** on 22nd November, 2018, has held that consensual physical relationship is not rape. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has vehemently opposed the prayer for anticipatory bail of the petitioner but admits that the



informant is a married woman. Her marriage was solemnized one year ago with another person.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Araria Mahila P.S. Case No. 22 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M,-V, Araria subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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