

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64031 of 2023

Arising Out of PS. Case No.-159 Year-2022 Thana- COMPLAINT CASE District- Supaul

Sagar Kumar @ Sagar Kumar Ram S/O- Ram Ekwal Ram R/o- Jirwa W.NO-2, Ps- Birpur Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Devi wife of Late Ganga Ram, D/o- Ganga Prasad Ram R/o- Jirwa W.NO-2, Ps- Birpur Dist- Supaul A/p- Maika Village- Murli W.No-3, Ps- Kishanpur Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta, Adv
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 159C of 2022 registered for the offence punishable under Sections 460 and 417 of the Indian Penal Code.

3. The complainant has alleged that after the demise of her husband in 2020, the petitioner has been establishing physical relationship with her. He thereafter has refused to solemnize marriage with the informant.

4. The learned counsel for the petitioner submits that from the perusal of the complaint and the statement of the



informant on solemn affirmation, it is obvious that the petitioner and the informant have been carrying on the relationship for at least two years prior to lodging of the complaint. The allegations are false and fabricated to coerce the petitioner to solemnize marriage with the informant. The petitioner has no antecedents and has become victim of the circumstance.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations and the statements and averments made in the complaint and solemn affirmation, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Supaul in connection with Complaint Case No. 159C of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the



following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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