

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66521 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- MAHILA P.S. District- Muzaffarpur

PRASHANT CHAUDHARY Son of Prahlad Choudhary R/o Mohalla- Nayi
Bazar Imamganj, Mishra Tola, P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2023 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 448, 493, and 376 of the Indian Penal Code pending in the learned court below.

Allegation against the petitioner is that in the absence of the husband of the informant, he has established physical relationship forcibly with her on pretext of marriage. After death of her husband, when the informant told to marry with her, the petitioner refused. Petitioner many time established physical relation with her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the victim is a major and the petitioner has established physical relationship with the consent



of the victim girl. He has relied upon the judgment of the Hon'ble Apex Court in a case of *Dr. Dhruvaram Murlidhar Sorav vs The State of Maharashtra & ors reported on 2019 SCC Online SCC-3100* has stated that, in consensual physical relationship, no offence under Section 376 of the Indian Penal Code is made out. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the judgment of the Hon'ble Apex Court, 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 Muzaffarpur Mahila P.S. Case No.25/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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