

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70361 of 2023

Arising Out of PS. Case No.-503 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Shyamsundar Kumar Son of Hanuman Singh, Resident of Village-
Mishrawaliya, Dadar, Kaimur (Bhabhua), P.O.- Dadar, P.S.- Mohaniya,
District- Mohaniya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yash Mathur, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 376 and
313 of the Indian Penal Code.

3. As per F.I.R., informant alleged that the petitioner
raped her on the pretext of marriage and when her marriage
fixed with other person, he called that person and told about her
past relationship.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case and the allegation against the petitioner is false and
concocted. He further submits that the victim is major aged



about 24 years as per prosecution case. With the consent of the victim, the relationship was made. Learned counsel for the petitioner relies upon the judgment of the Apex Court in the case of ***Pramod Suryabhan Pawar Vs. State of Maharashtra*** reported in (2019) 9 SCC 608. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes prayer for anticipatory bail and submits that the petitioner has established physical relationship with victim on the pretext of marriage since the victim was minor, the POCSO the petitioner and the said findings also came in the impugned order.

6. Considering the facts and circumstances of the case and it is also admitted facts that the victim was major during lodging of FIR and with the consent of the victim the relationship is made between them, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Mohaniya P.S. Case No. 503 of 2023, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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