

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68343 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- SHRI NAGAR District- Madhepura

Suman Kumar Sonu Son Of Subhash Sharma Resident Of Ghod-Daul Ward
No.07, P.S. - Srinagar, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-12-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Srinagar P.S. Case No. 93 of 2023 instituted under under Sections 341, 323, 376 and 34 of the Indian Penal Code lodged on 18.07.2023 by the informant, Nanhi Devi.

3. As per the prosecution story, the lady claims that she is married and as her husband was away to Delhi as a daily wager, her Devar's friend, the petitioner herein used to come to her house and thereafter, on the pretext of marriage established physical relationship since 2015. She alleged that now he has refused to marry her. She also claims that the child which was born to her belongs to this petitioner. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that a bare perusal of F.I.R. would show that a married lady



established physical relationship with the petitioner, if the allegation is accepted, it was consensual relationship for which he cannot be made an accused under Section 376 of I.P.C.

5. Learned APP on the other hand submits that the allegation is that on the pretext of marriage he established physical relationship.

6. Having gone through the facts of the case, this Court does not want to comment on the merit, the lady was married, there was a physical relationship between them, F.I.R. lodged, ultimately the petitioner will face the music, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Srinagar P.S. Case No.93 of 2023 to the satisfaction of learned S.D.J.M., Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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