

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72509 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- MAHILA PS District- Darbhanga

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LALOO KUMAR YADAV SON OF HARI NARAYAN YADAV R/O
VILLAGE- ADALPUR, P.S.- SADAR (BAJPATTI O.P.), DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated alleging that he raped the informant.

Learned counsel for the petitioner next submits that
from perusal of the statement of the informant recorded under
Section 164 of the Cr.P.C. (*Annexure-2*) to the anticipatory bail
application, it would manifest that the informant has stated that
her husband works outside and the petitioner threatened her that



if she will not talk to him, he will get her child and the husband killed and thereafter on account of fear, she approached him and for the last one year he was establishing physical relations with her, as she used to visit him at his house. Further, when her husband came, he came to know about the relationship and thereafter a *Panchayati* was held in which the petitioner was also summoned, but he refused to keep her, further that since petitioner denied to marry the informant, as such, she instituted the present case under compulsion.

Learned counsel for the petitioner, thus, submits that from perusal of the statement of the informant recorded under Section 164 of the Cr.P.C., it would manifest that the relationship was consensual and when the husband of the informant came to know about the relationship, the present case came to be instituted only for the reason that the petitioner did not accept the *Panchayati*. It is next submitted that both the petitioner and the informant are major and being adults, they consented for the relationship and when the relationship soured on account of intervention of the husband of the informant, the present false case of rape came to be instituted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Darbhanga Mahila P.S. Case No. 50 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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