

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27212 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- MAHILA PS District- East Champaran

1. Badri Prasad @ Badari Sah SON OF Late Kajanchi Sah VILLAGE - DAROGA TOLA, P.S. - BANJARIYA, DISTRICT - EAST CHAMPARAN
2. SUDAMA PRASAD @ SUDAMA KUMAR SON OF LATE KAJANCHI SAH VILLAGE - DAROGA TOLA, P.S. - BANJARIYA, DISTRICT - EAST CHAMPARAN

Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 15-05-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 1 (Badri Prasad @ Badari Sah).

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1 only.

5. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 376, 420,



506, 504, 323, 341 and 34 of the Indian Penal Code.

6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant being uncle of Suman Kumar. It is next submitted that the informant instituted the instant FIR with an allegation that she met Suman about two years back in a marriage function and thereafter they came in a relationship and Suman promised that he will marry her and on that pretext established physical relation. It is submitted that Suman is aged about 20 years and the informant is assessed by the doctors in between 18-19 years, as such, it does not appear probable that Suman, after meeting the informant, would have promised to marry her and thereafter established physical relations. It is next submitted that since both were consenting adults, as such, the relationship was consensual and when the relationship soured, the instant FIR came to be instituted roping in all the family members including his father (petitioner no. 1 (who was arrested during pendency of the instant anticipatory bail application)).

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

8. Considering the submissions made by the learned



counsel for the petitioner, the petitioner no. 2 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 Mahila P.S. Case No. 44 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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