

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36254 of 2024

Arising Out of PS. Case No.-360 Year-2023 Thana- MASAUDHI District- Patna

Sudarshan Kumar Son of Deodutt Prasad @ Devnandan Prasad @ Devdan Prasad Resident of Village- Nimara, P.S. - Kadirganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Masaurhi P.S. Case No. 360 of 2023 dated 27.05.2023 instituted for the offence punishable under Section 376 of the Indian Penal Code.

3. The allegation against the petitioner is that he was establishing physical relation with the informant since last four years on the pretext of marriage with her. It is further alleged that house of *Mausa* of the petitioner is situated near the house of the informant. On 21.05.2023, the petitioner called the informant at the house of his *Mausa*, where the petitioner became ready to marry with the informant. But later, the petitioner refused to marry with her. Thereafter, the petitioner



lodged a case against the family members of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the present case has been lodged after two days of occurrence. Learned counsel for the petitioner submits that the petitioner lodged a case against the brother of the informant on 25.05.2023 under Section 341, 323, 442, 504, 506/34 of the Indian Penal Code and the present case has been lodged on 27.05.2023, i.e. after two days of the aforesaid case, which shows that the present case is the counter case. Learned counsel for the petitioner submits that when the petitioner refused the proposal of marriage with the informant, then family members of the informant became aggressive and assaulted the petitioner. Learned counsel for the petitioner further submits that it is evident from the present F.I.R. that no force was used against the will of the informant, as such, Section 376 is not attracted against the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Masaurhi P.S. Case No. 360 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Masaurhi, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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