

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38947 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- MAHILA P.S. District- Rohtas

Satish Kumar, gender – male, aged about -35 years, Son o f- Late Satyendra Kumar, Resident of village- Kurmichak, P.S.- Narayanpur, District-Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. DK Sinha, Senior Advocate

Mr.Alexander Ashok, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-07-2024 Heard learned counsel for the petitioner, the State and the informant.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 376, 506, 323 of the Indian Penal Code.

3. As per the prosecution case, informant was married with one Sonu kumar in the year 2010. Said Sonu Kumar was habitual drinker and after about 4 years of marriage her husband sold the entire property and disappeared from the village. Thereafter, she came in contact with the petitioner and developed friendship with him. Petitioner on the false promise of marriage established physical relation with the informant. Later on, informant came to know that this petitioner is already married and father of two children.

4. Learned counsel appearing for the petitioner submits that from the perusal of F.I.R it is clear that there was love affair between the parties and with consent of the informant, petitioner established physical relation for four years.



Both of them engaged in sexual activity for quite some time which cannot be said to be induced and involuntary. As such allegation of inducement and commission of rape is not made out against the petitioner. Petitioner has got no criminal antecedent.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate in connection with Mahila Police Station Case No. 02 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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