

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39486 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- DHORAIYA District- Banka

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Bittu Yadav @ Bittu Kumar Yadav son of Triveni Yadav R/O Village-
Kumardih PS - Dhoraiya Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376 and
379/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that she was talking to the
petitioner for the last 18 months and petitioner used to coax her
to marry or else he will kill her. Further, on account of fear she
accompanied the petitioner to his house on 24.02.2024 where
she stayed for the night but next day petitioner started crying
and requested her to leave and said if she will not leave he will
commit suicide thereafter the informant left but later the parents
of the petitioner did not allow him to meet and his phone was



also switched off but the petitioner used to talk from other mobile. It is next alleged that she left with the petitioner but before leaving the petitioner asked her to take Rs.50,000/- and some ornaments thereafter brought her to his home.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation does not even remotely suggest that petitioner established any physical relation with the informant. It is further submitted that it can be safely culled out that petitioner and the informant were in love and thus she alleges that when she left with petitioner, he asked her to take Rs.50,000/- and some ornaments and the informant after taking the same came to the house of the petitioner. It is next submitted that statement of the informant was recorded under Section 164 Cr.P.C. wherein she stated that petitioner on pretext of marriage established physical relation but then submits that had that been a truth in that event the said allegation would also have been alleged in the FIR but then that is not the case which further casts an aspersion on the case of the prosecution. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

6. Mr. Chandra Bhushan Prasad learned A.P.P. for the



State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Dhoraiya P.S. Case No. 74 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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