

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45595 of 2024**

Arising Out of PS. Case No.-18 Year-2024 Thana- MAHILA P.S. District- Siwan

Rakesh Kumar S/o Bhishm Prasad RESIDENT OF VILLAGE-SARAWA
PATEL CHAURAH, P.S.-SIWAN MUFFASIL,DISTRICT-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Pranav Kumar, Advocate
Mr.Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.
For the Informant : Mr. Prashant Kumar, Advocate
Mr. Netan Chouhan, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-07-2024 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 376, 313, 420, 120(B) of
the Indian Penal Code.

3. As per the prosecution case, on pretext of marriage,
this petitioner established physical relationship with informant
since 2022. In the meantime, when informant became pregnant
all the F.I.R. named accused persons including this petitioner
got the pregnancy aborted on 07.02.2024 and when informant
and her family members requested the accused persons to marry
informant with this petitioner, they refused to do so.



4. Learned counsel for the petitioner submits that it is an admitted position that when relationship developed between the parties both of them were major and relationship continued for years together as such, it cannot be said to be a forceful act. Relationship was consensual. Both of them enjoyed each other's company for years, as such, the same cannot be said to be induced and involuntary. Petitioner claims clean antecedent.

5. Learned counsel for the informant vehemently opposed the bail application.

6. Considering the fact that the relationship was consensual and both parties were major, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P. S. Case No. 18 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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