

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46625 of 2024

Arising Out of PS. Case No.-876 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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Raju Tiwari S/o Late Ramjanam Tiwari R/o Village- Rajpur, P.S.-Bihta,
district-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi W/O- Ajay Ram R/V- Tikipara, P.S.- East Colony, District-
Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Mr. Anuj Kumar

For the Opposite Party/s : Mr. Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 19-09-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 323, 376, 504 of
the Indian Penal Code.

3. The allegation against petitioner is that he
established physical relation with the daughter of the
complainant on false promise of marriage and later on, he
refused to marry her.

4. Learned counsel for the petitioner submits that
from bare perusal of the complaint petition, it is apparent that at
the time when the relationship developed between the parties,



both were major. The relationship continued for quiet some time. They enjoyed each others company for several months and indulged in sexual act, which cannot be said to be induced or involuntarily. The relationship was consensual and as such, Section 376 of the I.P.C. is not applicable. By referring to paragraph 3 of the supplementary affidavit, learned counsel for the petitioner submits that as a matter of fact, petitioner has lodged a case, vide East Colony P.S. Case No. 62 of 2022, against complainant and others for demanding *Rangdari* and in order to take revenge, the present complaint petition has been filed against petitioner.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner 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 learned Addl. Sessions Judge – I, Munger in connection with Complaint Case No. 876(C) of 2022, subject to condition as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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