

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46222 of 2024**

Arising Out of PS. Case No.-9 Year-2024 Thana- MAHILA PS District- Aurangabad

Sachin Kumar S/o- Bijendra Chandrawanshi Village- Chandauli Jogiya Ps-
Barun Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

3 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 09 of 2024 registered under Sections 376,
506 and 34 of the Indian Penal Code.

3. It is alleged that petitioner made physical relation with
informant on pretext of marriage and when the father of
informant came to the house of the petitioner to settle the
marriage, then petitioner and his father refused to marriage.

4. Learned counsel appearing on behalf of the petitioner
submits that the First Information Report has been lodged after
an inordinate delay of 248 days for which there is no plausible
explanation, which itself creates doubt over the veracity of the
entire prosecution case. Further submission is that both parties



are major. From perusal of the F.I.R., it is apparent that both parties were in relationship for quite some time and enjoyed each others company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Mahila P.S. Case No. 09 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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