

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51915 of 2024

Arising Out of PS. Case No.-1662 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Rajesh Kumar Ranjan, age 27, Male, Son of Raja Ram Paswan, R/o Village-
Yogeya, P.S.- Bikramganj, District- Rohtas, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lavli Paswan, D/o Satish Chandra, R/o Village - Malaur, P.s.- Charpokhari,
District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 28-08-2024 Heard Mr. Surendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Shantanu Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1662 (c) of 2023 registered for the
offence(s) punishable under Sections 376 of the Indian Penal
Code.

3. As per the allegation made in the FIR, petitioner
made physical relation with complainant on the false promise of
marriage, and, thereafter, refused to marry.

4. Learned counsel appearing on behalf of the
petitioner submitted that when the relationship developed



between both the parties, they were major. From perusal of the complaint, it is apparent that both parties were in relationship for quite some time and enjoyed each other's 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. Petitioner has got clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. The Apex Court has observed that "the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C" in case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89** and in the case of **Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.**, reported in **2021 AIR SC 1405**.

7. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 learned



A.C.J.M., 7th, Bhojpur, Arrah in connection with Complaint
Case No. 1662 (c) of 2023, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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