

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51593 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- MAHILA PS District- Darbhanga

Sandeep Jha Son Of Budh Deo Jha R/O-Babu Saheb Maidan, Subhankarpur,
Chataria, P.O- Lalbagh, P.S- Darbhanga Town, Distt.- Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari D/O- Ram Nath Prajapati R/O- Janki Nagar Samne Ghat,
Bhagwanpur, Varanasi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate Md. Ghulam Mustafa, Advocate
For the Opposite Party/s	:	Mr. Jagadhar Prasad, APP
For the Informant	:	Mr. Lalan Kumar, Advocate Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No.25 of 2024, registered on 15.03.2024, for the offences punishable under Sections 341/342/323/498A/504/506/494/34 of the Indian Penal Code but in supervision report the case has been found true under Sections 376(2)(n)/354C/341/342/323/504/506 of the Indian Penal Code.

3. As per prosecution, the FIR has been lodged



against two named accused persons including the present petitioner. Allegation against the petitioner is that he has developed physical relation on the pretext of marriage with the informant since long and subsequently by creating fraud taken consent for marriage, but subsequently when the petitioner reached at the house of the informant then in that case the petitioner along with other accused persons had abused and assaulted the informant. It has been alleged that the petitioner is a person who used to develop physical relation with different girls. In this regard, she has intimated to the S.H.O. of Mahila P.S., but where the petitioner reached and abused the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the informant of this case is a major and with consent physical relation had been developed between them. It has also been submitted by counsel for the petitioner that in presence of the police consent was given by the informant herself for marry and then only the petitioner returned to marriage. Counsel submits that the informant has filed this case at the instance of enemy of the petitioner. Counsel for the petitioner further submits that antecedent of the petitioner is clean.

5. Learned counsel for the informant vehemently



opposes the prayer for anticipatory bail and submits that the petitioner has committed rape with her and he has developed relation with series of women and spoiled their life. In this regard, the informant had filed another case at Varanasi after filing of the present case at Darbhanga.

6. Learned Additional Public Prosecutor appearing for the State opposed the prayer for anticipatory bail.

7. In the present facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order on furnishing bail bond of Rs.30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga/Successor Court in connection with Mahila P.S. Case No.25 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Liberty is hereby granted to the informant that in case of threat or creating hurdle in adducing evidence the informant shall file cancellation of bail.

Mkr./-

(Dr. Anshuman, J)

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