

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52975 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- GAYA KOTWALI District- Gaya

Azad Goswami @ Raju Kumar Goswami S/O Arjun Goswami R/O Mohalla-
Paro Gali, Near Ramshila Pahad, P.S.- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rinki Kumari D/O Om Prakash Goswami R/O Village- Gurpa, P.S.-
Fatehpur, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard the learned Advocate for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No. 02 of 2024, registered for the
offences punishable under Section 376 of the Indian Penal
Code.

3. The allegation against the petitioner is of making
physical relationship with the informant on the pretext of
marriage.

4. Learned Advocate for the petitioner contended that
from the FIR it would be evident that the petitioner and the
informant entered into relationship in the year 2021. Both the



parties are major one and the relationship appears to be consensual as the FIR has been instituted after three years i.e. in the year 2024. There is neither any specific narrations of the incidence of relationship nor as to when the assurance of marriage was given. It is also the contention of the learned Advocate for the petitioner that the petitioner is a married person, whose marriage was solemnized in the year 2016 with one *Archana Devi* and, as such, the allegation of giving assurance of marriage does not arise; all the more the parties are distant relative and, as such, there was a least chance of marriage. Now the victim has already married to another person and living peacefully is the contention of the learned Advocate for the petitioner. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that on the pretext of marriage, the victim was subjected to sexual exploitation.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and, *prima facie*, the relationship appears to be consensual,



coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 02 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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