

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55362 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- DHAKA District- East Champaran

Dilip Sah @ Golu @ Dilip Kumar Son of Baidyanath Sah R/V- Fulwariya,
Ward No. 8, P.S.- Dhaka, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 376, 504, 506, 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she is mother of three children and her husband sells clothes on bicycle. Further, the petitioner used to establish physical relation, on pretext of marriage, it is next alleged that the informant after some time realized that the petitioner will not marry her and thus she started avoiding him but the petitioner continued forcefully to establish physical relation and even used to assault. It is further alleged that petitioner after



establishing physical relation used to leave for Nepal, next alleges that several times panchayati was held in the village that either the petitioner should marry or leave the informant but the petitioner before the Panches showed his disinclination but then continued establishing physical relation forcefully.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the relationship in between the petitioner and the informant was consensual and the informant was aware that there was no promise of marriage from the side of the petitioner, as the informant was married and was having three children but then it is submitted that since the relationship continued as such the informant instituted the instant case with the aforesaid allegation so that the petitioner is coerced into submission for marrying her.

5. Learned A.P.P. Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegation, it would manifest that informant very clearly alleges that initially the relationship was consensual and petitioner established physical relation on pretext of marriage but later when she realized that petitioner will not marry her, as such, she started avoiding but then the



petitioner continued establishing physical relation forcefully, which amounts to rape, as establishing physical relation against the will of a woman is rape. It is also submitted that in the event if the privilege of anticipatory bail is granted to the petitioner, in that event, the petitioner may abscond or tamper with the evidence, on which, the learned counsel appearing on behalf of the petitioner submits that the petitioner will not abscond rather will co-operate in the investigation to prove his innocence that the relationship was consensual and no force ever was used for establishing physical relation.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dhaka P.S. Case No.81/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Baidyanath Sah.



8. It is further made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner and to take all coercive steps to ensure that petitioner is behind bars.

9. It is further made clear that if the charge sheet is submitted, connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

