

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56136 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- MAHILA PS District- East Champaran

Sudhir Sah @ Sudhir Kumar Son of Bishwanath Sah R/V- VILLAGE-
BANJARIYA, P.S.- BANJARIYA, DISTT.- EAST CHAMPARAN AT
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376, 420,
406, 504 and 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 became friend with the petitioner in December,
2017, further petitioner on pretext of marriage started
establishing physical relation since February, 2018 by
concealing his first marriage, next alleges that petitioner
avoided the question of marriage on some pretext and kept her
in a rented premise at Bhawanipur Jirat and at Gandhi Nagar



Ramana at Motihari, presently she is staying in a rented premise of one Anand Gupta, further alleges that out of the relationship a son was born, next alleges that on 13.02.2024 while petitioner was taking bath she saw his mobile and came to know about his first marriage, on query she was assaulted and petitioner tried to strangle her but she fled somehow thereafter petitioner and his father in name of marriage took ornaments worth Rs.7 lakhs and cash Rs.3 lakhs and when she went to stay with them she was ousted and they demanded Rs.5 lakhs.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that though informant alleges that she was in a relationship with the petitioner since the year 2017 and they also married and out of the wedlock a child was born and she was kept in a rented premise but then the petitioner vehemently asserts and submits that he denies that he ever married the informant. It is next submitted that though it is alleged that a son out of the wedlock was born but then the said allegation is general and omnibus in nature as the informant does not disclose the date of birth of the child. It is also submitted that no child was born out of the relationship. It is further submitted that the case was taken up on 12.09.2024



when the learned counsel appearing on behalf of the informant sought two weeks' time for filing a counter affidavit.

5. Learned counsel appearing on behalf of the informant submits that despite his best endeavours he could not contact the informant nor the informant ever contacted him after 12.09.2024.

6. Learned counsel for the petitioner submits that the parties have compromised the case as would manifest from the compromise dated 11.09.2024 and the same has been filed before the learned trial court.

7. Considering the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila P.S. Case No. 05 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the compromise and



if the informant disputes the compromise, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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