

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60174 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- CHAORI District- Bhojpur

Prem Kumar aged about 24 years (Male) son of Baban Paswan, Residents Of
Village- Tulsi, Police Station- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-02-2024 Heard Mr. Anil Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Tarkeshwar Nath
Thakur, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chauri P.S. Case No. 04 of 2023 registered for the offence
punishable under Sections 406, 420, 376, 313 and 34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
has been alleged to have made physical relationship with the
informant on the pretext of marriage and had also aborted four
months of pregnancy.

4. Learned counsel appearing on behalf of the
petitioner submitted that in course of investigation, it has been
found that similar allegation has been made by the informant



earlier also by implicating several persons. Petitioner had never been in physical relationship with the informant and no medical report has been furnished with respect to the abortion claimed by the informant, which was allegedly forced by the petitioner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that in course of investigation, there are materials to establish complicity of the petitioner in the alleged commission of crime.

6. Having considered the rival submissions made on behalf of the parties, as well as, on perusal of the case diary it appears that the informant had made similar allegation against two more persons earlier to the lodging of the present FIR. In want of any medical report, *prima facie*, it cannot be held that the petitioner had forced the informant to establish physical relationship and had forced her to abort four months of pregnancy. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Bhojpur at Ara, in connection with Chauri P.S. Case No. 04 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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