

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62099 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- MAHILA P.S. District- Araria

Madan Kumar Son of Manik Chand Sharma R/O Vill. - Gopalpur ward no 12,
P.S- Bounsi, District Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 30-09-2024 Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code.
3. Prosecution case, in brief, is that marriage of informant had been solemnized in village Balwat and thereafter, she gave birth to a female child due to which, her in-laws ousted her from the house and presently, she is living in her parental house. It is alleged that this petitioner, on the allurements of marriage, started establishing physical relation with informant and 29.03.2023 when informant protested, her daughter started weeping and on *hulla*, father of informant came and this petitioner was caught. Even in *Panchayati*, this petitioner did not participate and when informant was going to lodge case



against him, then all the accused persons caught her and locked her in the house and tried to set her on fire.

4. Learned counsel for the petitioner submits that from bare perusal of the F.I.R., it is evident that both parties were major and relationship was consensual. Petitioner and informant enjoyed each other's company and indulged in sexual act being fully aware about the consequence of such relationship and as such, the same cannot be said to be induced or involuntary. It is further submitted that F.I.R. has been lodged after inordinate delay of eight months which itself creates doubt over veracity of prosecution case. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- 1st, Araria in connection with Araria Mahila P. S.



Case No. 34 of 2023, subject to condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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