

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67540 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- DANDKHORA District- Katihar

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Anand Soumitra @ Anand Sumitro Son of Nityanand Mandal Resident of
Village and Post - Dwashay, Police Station - Dhandkhora, District - Katihar
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Dandkhora P.S. Case No. 09 of 2024 dated 08.02.2024
registered under Sections 376, 313, 120(B), 323, 341, 379, 34 of
the I.P.C.

3. As per the complaint -cum- first information report the
petitioner committed rape upon the complainant / informant on
02.11.2022 after developing relationship with her. It has further
been alleged that the petitioner used to establish physical
relationship with the informant on the pretext of marriage and
the relationship continued for about two years and when the
informant became pregnant the petitioner switched off his
mobile and avoided her. The informant went to the house of the



petitioner to complain about the same to his family members whereupon all the accused persons kept her confined in the petitioner's house and administered medicine due to which her pregnancy was aborted.

4. Learned counsel for the petitioner submits that from perusal of the complaint -cum - first information report it would be clear that friendship developed between the petitioner and the complainant through phone and subsequently they established consensual physical relationship. The complainant / informant is major and educated and the petitioner is also major. The relationship between the two started with consent and the very fact that it continued for a long period of time i.e. two years, goes to show that the same was consensual in nature. When the relationship break up, the complaint has been lodged giving criminality to the relationship in question. The informant was mature enough to understand the repercussion of the relationship. The falsity of the complaint / F.I.R. is further evident from the fact that it has been alleged that the petitioner and his entire family including the mother kept the complainant confined in their house for two days, whereas, the mother of the petitioner Manju Devi died long back in the year 2017 as would be evident from the death certificate annexed at Annexure-P/2.



5. Regard being had to the submission made by the parties and taking into consideration the fact that relationship between the complainant / informant and the petitioner continued for a fairly long period of time, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Katihar in connection with Dandkhora P.S. Case No. 09 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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