

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68622 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- KALYANPUR District- East Champaran

Kundan Kumar Son of Late Mohan Das Resident of Village- Dwpur Parsa,
P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 376, 420, 504, 506 and 34
of the Indian Penal Code .

3 . As per prosecution case , this petitioner for the
last two years made physical relation with her forcibly on
pretext of providing comforts due to which she became pregnant
and when husband of informant came to know about her
pregnancy , she was ousted from her matrimonial house .



Thereafter, informant went to the house of this petitioner, where family members of this petitioner threatened informant and refused to keep her.

4. Learned counsel for the petitioner submits that learned counsel appearing on behalf of the petitioner submits that informant is married lady and mother of two child. From bare perusal of the F.I.R., it is apparent that both parties were in relationship for more than two years and enjoyed each other's company, and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action . Petitioner claims clean antecedent.

5 . Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the fact that both the parties were major when the relationship developed between them and which continued for more than two years together and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above , 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 the learned ACJM IV East Champaran Motihari in connection with Kalyanpur P.S. case No. 168 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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