

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67699 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- KAMTAUL District- Darbhanga

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Osan Kumar Ram @ Osan Ram S/o Shatrughna Ram Resident of village-
Karjapatti, Police station- Kamataul, district- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Nilendu Kumar Choudhary
For the Opposite Party/s :	Mr. Janardan Prasad Singh
	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

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| 2 | 23-10-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Kamtaul Police Station Case No. 175 of 2024, dated 28.06.2024, disclosing offences under Sections 376/313/448/506/34 of the Indian Penal Code.3. The prosecution case, as per the First Information Report, is that on 06.05.2019, when the parents of the informant was not present in the house, the petitioner forcefully entered into her house, raped her and threatened her of dire consequences. It has further been alleged that after three days, the petitioner again raped the informant and |
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promised that he would solemnize marriage with her. On 01.06.2020, the petitioner came to the informant house with his brother Roshan Ram and his friend Mukesh Ram and again established relationship. The petitioner's brother told the informant that the petitioner would solemnize marriage with her. Subsequently, the family members of the petitioner told the informant that they would perform their marriage in Shyama Mandir, but marriage was not solemnized and informant was being harassed sexually. Thereafter, the informant was taken to Delhi on 15.07.2023 and was brought back to Darbhanga with a promise to solemnize marriage. In Delhi also, the petitioner established physical relationship with the informant and when the informant became pregnant, he gave medicine due to which her pregnancy got aborted. On 07.09.2023, the petitioner and others left the informant at her parents' house. Subsequently, on 09.09.2023, the informant was admitted to the R. B. Memorial Hospital, Darbhanga, where she was treated till 27.09.2023.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case



due one sided love of the informant with the petitioner. Both the petitioner and informant are co-villagers. From perusal of the Annexure-P/2, which is a conversation of the informant on Instagram, the informant has made obnoxious remarks against the petitioner in order to threatened and lower down his prestige in the society. He further submits that even assuming that there was some relationship, it was consensual in nature and continued for five long years. When, the marriage of the petitioner was solemnized on 10.06.2024 with another girl, the present First Information Report has been lodged on 28.06.2024.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there was love affair between the petitioner and the informant, which would be evident from the Whatsapp messages and the photographs. He further submits that the petitioner on the pretext of marriage established physical relationship with the informant and after five years of the relationship, he refused to marry the petitioner and solemnized marriage with another lady.
6. Having regard to the submissions made on behalf of the



parties and taking into consideration the long standing relationship between the petitioner and informant and the fact that after more than five years and after marriage of the petitioner with some other lady, the present First Information Report has been lodged by the informant, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga, in connection with Kamtaul Police Station Case No. 175 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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