

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70137 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- MAHILA PS District- Darbhanga

Rudal Mandal Son of Suresh Mandal Resident of Vilalge- Mahua, P.S.- Sadar
(Sonki O.P.), Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-12-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 342, 376, 120(B), 354(B), 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she was married to Raju about 15 years ago and from the wedlock, two children were born who presently are aged about 14 and 10 years, it is next alleged that husband of the informant Raju died, and thereafter, she started living in her matrimonial home, further her father-in-law works at Patna. It is next alleged that petitioner does work of tent house and used to come to village Belwa as such the petitioner and the informant



became friends and developed intimacy, further six months ago, when informant was alone in her house, when the petitioner came and locked the door and forcibly committed rape, on which, the informant started weeping, when petitioner assured that he will marry her as he is unmarried and thereafter took her to Delhi and kept her in a rented premises for a month and when informant asked her to marry her, on which, the petitioner fled from Delhi to Darbhanga. The informant also came to Darbhanga and the instant case came to be instituted. It is submitted that the instant F.I.R. has been instituted based on a complaint.

4. It is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that petitioner and the informant were known to each other. It is also submitted that informant was a widow and was having two children, as such, it does not appear probable that the petitioner would have assured that he will marry her and on that pretext established physical relation. It is next submitted that since informant was alone in life as such she needed support on account of which the relationship developed and they became intimate. It is also submitted that it has been specifically pleaded that informant before marrying Raju had married Lal Babu



Mandal in 2001 and thereafter with Ram Guni Mandal in the year 2004 and her marriage with Raju was third marriage. It is next submitted that whenever such relation sours, allegation of rape is alleged. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No.65/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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