

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71097 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- MAHILA P.S. District- Bhagalpur

Kanhaiya Kumar Son of Jyotish Mandal Resident of village - Badi Haswar,
Ps- Manihari, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate
	:	Mr.Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-11-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Bhagalpur Mahila PS case no. 26 of 2024, disclosing offences punishable under Sections 376, 504, 506, 379 of the Indian Penal Code and Sections 67(A), 66(E) of I.T. Act.
3. The prosecution story, as per the First Information Report, is that about 05 years ago, through mobile, petitioner started calling the informant regularly and during that period, the photographs of the informant was also shared on whatsapp, instagram, facebook etc., which was edited and the same was made obscene. Informant's photo was forwarded by the



petitioner on the mobile numbers of her family members. Subsequently, the informant took admission in Mata Gujri Memorial GNM Nursing School, Kishanganj (Bihar) in December, 2023, where also, the petitioner started forcing the informant to talk. On 18.03.2024, he committed rape upon the informant and 07.04.2024, he took away cash, mobile phone and valuable documents from the informant.

4. Learned Senior Counsel appearing for the petitioner submits that there was love affair between the petitioner and the victim for the last 05 years. Learned counsel further submits that the relationship between the petitioner and victim was consensual. Allegedly, the rape was committed on 18.03.2024 but the F.I.R. was lodged after delay of about one month i.e. on 09.05.2024. He also submits that the statement of the victim was recorded under Section 164 Cr.P.C., where she has not supported the allegation of rape. Admittedly, informant is a major aged about 19 years and petitioner is aged about 24 years.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the relationship of petitioner and victim was considerably for a long period and the victim has not supported the factum of rape in



her statement recorded under Section 164 Cr.P.C., I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Bhagalpur in connection with Bhagalpur Mahila PS case no. 26 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

