

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70651 of 2024

Arising Out of PS. Case No.-396 Year-2023 Thana- BISFI District- Madhubani

Jinu Kuraisi @ Jinu @ Md. Jinu S/o Dildar @ Munna Kuraisi @ Dildar Kuraisi R/o Village- Aumsi Bhawangama, P.S.- Aumi (Bisfi), District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-10-2024 Heard Mr. Jitendra Bharti, learned Counsel for the
Petitioner and Mr. Anil Prasad Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bisfi (Aumi) P.S. Case No. 396 of 2023 dated 06.10.2023 registered for the offences punishable under Sections 376, 313, 406, 504, 506 and 34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel appearing for the petitioner are that the alleged offence under Section 376 of the Indian Penal Code is not made out in this case as the informant/complainant was a consenting party to the alleged physical relationship and she remained in relationship with this petitioner for three years and did not raise any objection during that period and thereafter, a dispute arose



between the petitioner and the informant/complainant on account of the pressure created upon the petitioner by complainant's family members to solemnize marriage with the complainant. It is further submitted that the complainant in her statements under Sections 161 and 164 of the Cr.P.C stated that she is aged about 21 years and she also accepted her love affair with this petitioner. It is further submitted that after filing of the complaint by the so-called victim, a *panchayat* meeting was held in between both the parties where it was found that the complainant had lodged a false case as she could not succeed in giving any evidence regarding her relationship with this petitioner.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the facts and circumstances of this case as well as above submissions and mainly the facts that admittedly, the complainant was 21 years old at the time of filing her complaint and she remained in relationship with this petitioner for three years, as submitted above, but she did not raise any objection to the alleged physical relationship during that period and the said fact goes against her allegation, in my opinion, it is a fit case for anticipatory bail to the petitioner.



Accordingly, let the petitioner named-above, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bisfi (Aumsi) P.S. Case No. 396 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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