

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71091 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- MAHILA P.S. District- Patna

Amit Raj @ Rohit Kumar S/O Kapindra Prasad Resident of Village-
Kismiriya Moiddinpur, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhuti Narayan, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-10-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Mahila PS case no. 47 of 2024, disclosing offences
punishable under Sections 341, 323, 506, 376/34 of the Indian
Penal Code.
3. The prosecution story, as per the First Information
Report, is that negotiation for marriage of the informant with the
petitioner took place and petitioner's side agreed to perform
marriage of the petitioner with the informant. After fixation of
marriage, the informant started talking with the petitioner. On
05.02.2024, petitioner, on the pretext of some work, came to the
rented house of the informant and stayed there. Thereafter, the
petitioner gave some prasad (food item) to the informant and



after having it, she fell asleep. While she was sleeping, petitioner committed rape upon her. When she felt pain in her internal parts, she knew that rape was committed upon her by the petitioner. Thereafter, the mother of the informant asked the petitioner to perform marriage but the petitioner refused to enter into marriage with the informant and sent his photograph having firearm in his hand in order to threaten the informant's family.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of concocted story in order to pressurize him to perform marriage with the informant. Learned counsel further submits that it is true that there was marriage negotiation going on between informant's family and petitioner's family and there was delay in taking decision on the part of the petitioner's family, due to which, present F.I.R. has been lodged against the petitioner and his entire family members. He next submits that both petitioner and informant are major. Learned counsel also submits that there is delay of 03 months in lodging the First Information Report, inasmuch, as per the F.I.R., occurrence took place on 05.02.2024 but F.I.R. has been lodged on 22.05.2024.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of



allegation and the fact that negotiation for marriage between petitioner and informant had taken place, 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 Chief Judicial Magistrate, Patna in connection with Mahila PS case no. 47 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	
---	--	---	--

