

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72536 of 2023

Arising Out of PS. Case No.-483 Year-2023 Thana- PIRBAHOR District- Patna

Abhishek Kumar Ashish @ Nishant Son Of Satendra Kumar Ram R/O Chini
Mill, P.S. - Nagar, Distt. - Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Prabhakar
For the State : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-04-2024 Heard Mr. Kumar Prabhakar, learned counsel for the
petitioner, informant and Mr. Dilip Kumar No. 1, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 417, 376,
120B of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. Petitioner is said to have established physical
relation with the informant on the pretext of marriage.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. Learned counsel for the petitioner has relied upon Apex
Court judgment in the case of **Ansaar Mohammad Vs. The
State of Rajasthan & Anr. passed in Cr. Appeal No. 962 of
2022** in which it is held that if the victim has willingly been
staying with the petitioner and had the relationship, the same



cannot be a ground for lodging an FIR for the offence under Section 376 (2) (n) of IPC. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and informant opposing the prayer for bail submit that the petitioner established physical relation with the victim for more than four years on the pretext of marriage.

6. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pirbahore P.S. Case No. 483 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

devendra/-

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

