

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80887 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- MAHILA PS District- Khagaria

NITISH KUMAR SHARMA Son of Raghunath Sharma R/o vill - Bhaju Tol,
P.S. - Beldaur, Distt. - Khagaria (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mahila Police Station Case No. 45 of 2023, dated 11.06.2023, disclosing offences under Sections 376/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that there was love relationship between the informant and the petitioner since 2020 and the petitioner, on pretext of marriage, established physical relationship with the informant. It has further been alleged that during the relationship between them, the petitioner performed marriage with another girl, thereafter, the informant left meeting the petitioner. But again the petitioner made



physical relationship with the informant due to which she became pregnant. The petitioner also promised the informant to perform marriage with her and made physical relationship on that pretext, but, subsequently, he refused to perform marriage with the informant. On 04.06.2023, a panchayati was held with the petitioner, alongwith his family members, but they refused to solemnize marriage with the informant.

4. Learned counsel for the petitioner submits that from perusal of the First Information Report it would be evident that there was love relationship between the informant and the petitioner since long. He further submits that the informant is major, which would be evident from the First Information Report itself, where she has disclosed her age as 19 years. The statement of the informant was recorded under Section 164 of the Code of Criminal Procedure, wherein she has stated that while the love relationship was going on between them, the petitioner performed marriage with another girl in the year 2021. Subsequently, the petitioner started coming to the house of the informant and established relationship with the consent of the informant. However, the mother of



the informant came to know about the relationship and approached the family members of the petitioner for marriage. In the statement recorded under Section 164 of the Code of Criminal Procedure, the informant has further stated that in the year 2023, the petitioner established relationship with her consent, but when the wife of the petitioner became pregnant, the informant left the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the statement of the informant recorded under Section 164 of the Code of Criminal Procedure, it appears that there was consensual relationship between the informant and the petitioner since long, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four 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 Additional Chief Judicial Magistrate VI, Khagaria, in connection with Mahila



Police Station Case No. 45 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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