

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79968 of 2023

Arising Out of PS. Case No.-717 Year-2022 Thana- GARKHA District- Saran

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GULSHAN KUMAR, Son Of Shyam Babu, Singh R/O Village- Adamapur,
P.S.- Bheldi, District- Saran At Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Pramod Ban Bihari Singh, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Tej Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 376 and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, it is alleged that on the pretext of marriage, this petitioner lived with the informant for seven to eight months and committed rape and lastly refused to marry her for the sake of dowry.

4. It is submitted by learned counsel for the petitioner that from bare perusal of the fact, it is apparent that the petitioner and informant were in a relationship for several months and engaged in each other's company. The same cannot



be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged 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 4th, Saran at Chapra, in connection with Garkha P.S. Case No.717 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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