

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84900 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- MAIN P.S. District- Gaya

=====

SURYAKANT KUMAR @ MUNNA S/O SATISH KUMAR VERMA V
ILLAGE- AMRESH BIGHA, PS. MAIN, DIST.GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Priyanka Singh, Adv.
For the Opposite Party/s :	Mr.Shailendra Kumar, APP.
	Mr. Binod Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

3. Allegedly, at first, the petitioner solemnized marriage with the informant, established physical relations and made her pregnant, but after three months of her pregnancy, he told her to abort the same and when the informant refused to abort, the petitioner started evading her.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. It is further submitted that from bare perusal of the FIR, it is evident that the informant is adult and she voluntarily established physical relationship with the petitioner after solemnization of marriage. He has relied upon the judgment of the Apex Court in the case of ***Mandar Deepak Pawar v/s. The State of Maharastra & Anr.***, reported in Criminal Appeal No. 442 of 2022. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail and submits that there is serious allegation against the petitioner to establish physical relations with the informant and after three months of her pregnancy, he told her to abort the same and tried to evade her. The statement of the victim has been recorded under Sections 161 & 164 Cr.P.C. in which she has also supported the prosecution case. Hence, the petitioner does not deserve the privilege of the anticipatory bail.

6. Having regard to the facts and circumstances of the case, as both the parties are major and from bare perusal of the FIR, it is evident that they established physical relationship with their mutual consent, let the above named petitioner, be released



on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Main P.S. Case No. 90 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

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

