

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86429 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Sintu Mandal S/O Gholat Mandal R/O Village- Dadpur, P.S- Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Naugachia Mahila P.S. Case No.29 of 2023 registered for the offences punishable under Sections 376, 504 and 506/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had committed rape upon the informant.

4. Learned counsel for the petitioner submits that the alleged occurrence is said to have taken place on 16.07.2023 at 11.00 PM but the FIR has been instituted on 21.07.2023 at 18.50 Hrs i.e. after five days.

5. Learned counsel submits that Annexure- '2' is the



statement of the informant recorded under Section 161 Cr.P.C. in which she has narrated the entire story. She has stated that her husband was working outside the State and she was in physical relationship with this petitioner and had been establishing physical relationship with him for several years.

6. Learned counsel submits that the informant has stated that she lodged the FIR only because her husband threatened her to oust from the matrimonial house when her daughter complained the husband about the informant's relationship with the petitioner.

7. Learned counsel submits that in any case the informant is 27 years old lady and it may at best be a case of consented relationship between the two adults.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, but does not controvert the submission of learned counsel for the petitioner based on the statement of the informant which has been filed in the court of learned SDJM, Naugachia and a copy of the certified copy of the same has been placed on the record.

9. Having regard to the aforementioned facts and circumstances of the case, taking note of the fact that the lady is 27 years old, a mother of four children and she has come out



with statement that it was consented relationship though on certain understandings, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachia in connection with Naugachia Mahila P.S. Case No. 29 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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