

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12068 of 2025**

Arising Out of PS. Case No.-39 Year-2024 Thana- NAUGACHIA MAHILA P.S. District-
Bhagalpur

Rupesh Kumar Son of Anil Poddar Resident of Village - Nagarah, P.S. -
Naugachia, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Mahila P.S. Case No. 39 of 2024 instituted under Sections 69 of the Bhartiya Nayay Sanhita, 2023 lodged on 13.09.2024 by the informant, Aanchal Kumari.

3. As per the prosecution story, the informant that a married lady alleged that she had relationship with the neighbour (petitioner herein), both accompanied to her parental home where they had physical relationship.

4. Upon knowledge, the husband threw her out, went to the petitioner's place who refused to keep her. This led



to the FIR.

5. Learned counsel for the petitioner submits that a perusal of the FIR would show that she herself stated that the lady was in relationship with this petitioner despite being a married one, even if the allegation is to be accepted, it was consented, both being major, he is ready to face the trial and has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the girl has alleged sexual assault against this petitioner.

6. Considering the submissions of the parties as also the fact that perusal of the FIR would show that the statement of the victim is that despite being married, she fell in love with this petitioner, both went to the parental house and had physical relationship, as the story unfold, the husband upon knowledge chose to oust her from his house, the petitioner too refused which led to the FIR.

7. Post investigation, the trial shall commence and the petitioner has undertaken to diligently appear in trial, he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No. 39 of 2024 to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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