

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24661 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- MAHILA P.S. District- Samastipur

Suman Kumar S/o Dinesh Das R/o Village- Shahpur Litiyahi, Ward No 10,
P.S.- Bibhutipur. Distt- Samastipur ... Petitioner/s
Versus

1. The State of Bihar
2. X D/o Tuntun Das R/o Vill- Shahpur Lithiyahi, Ward No. 10, P.S.-
Bibhutipur, Dist- Samastipur Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, A.P.P.
Mr. Vinit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-05-2025 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for offence under Sections 126(2), 115(2), 76, 64, 89, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 4 and 6 of the POCSO Act.

3. Allegation against this petitioner is that he sexually exploited the informant for about four years on false promise of marriage as a result of which she became pregnant which was forcibly terminated by the petitioner. Later on, petitioner refused to marry with her. Petitioner abused and assaulted the informant and her mother.

4. It is submitted on behalf of petitioner that from perusal of the F.I.R., it is apparent that both parties are major and they were in relationship for quiet some time. They enjoyed each others company for several months and indulged in sexual



act, which cannot be said to be induced or involuntarily. Relationship was consensual and informant was very much capable of understanding the consequences of her action and simply because relationship could not work out, it will not give rise to institution of F.I.R. for the offence under Section 64 of the Bharatiya Nyaya Sanhita, 2023. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State and the informant vehemently oppose the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Court (POCSO), Samastipur in Mahila Police Station Case No. 73 of 2024 , subject to condition as laid down under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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