

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26946 of 2025

Arising Out of PS. Case No.-893 Year-2024 Thana- KADAMKUAN District- Patna

Shiv Kishore Kumar S/O Shiv Ballabh Mistry Resident of village- Kurthaul,
(Khairatali) Near Surya Temple, P.O.- Mittanchak, P.S.- Parsa Bazar, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Singh
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 493 & 376 of the Indian Penal Code.

3. The allegation against petitioner is that he established physical relation with informant on false promise of marriage.

4. Learned counsel for the petitioner submits 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. The relationship was consensual. The informant was very much capable of understanding the consequences of her action and simply because the relationship could not work out, it will not give rise to institution of F.I.R. for the offence under Section 376 of the Indian Penal Code. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances as well as clean antecedent of petitioner, let the above named petitioner, in the event of arrest/surrender within a period of six 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 learned Judicial Magistrate 1st Class, Patna/ concerned Court in connection with Kadamkuan P.S. Case No. 893 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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