

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56931 of 2025**

Arising Out of PS. Case No.-281 Year-2025 Thana- GOPALGANJ TOWN District-  
Gopalganj

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Guddu Kumar Khatik S/o Kanhaiya Khatik R/O -Village- Hussainpur, Rajpur  
Tola, P.S-Bhore, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Yogesh Chandra Verma, Sr. Advocate |
|                      | : | Mr. Saloj Kumar, Advocate              |
|                      | : | Mr. Abhinav Kumar, Advocate            |
|                      | : | Ms. Priyanka Singh, Advocate           |
| For the State        | : | Mr. Shailendra Kumar, APP              |
| For the Informant    | : | Mr. Anand Vardhan, Advocate            |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      27-08-2025                      Heard Mr. Yogesh Chandra Verma, learned Senior  
  
Counsel for the petitioner and learned APP representing the  
  
State as also Mr. Anand Vardhan, learned counsel representing  
  
the informant.

2. The petitioner is apprehending his arrest in  
  
connection with Gopalganj P.S. Case No. 281 of 2025 registered  
  
for the offence under Sections 64, 303(2), 352 and 351(2) of the  
  
Bharatiya Nyaya Sanhita, lodged on 15.04.2025 by the  
  
informant, Sunita Devi.

3. As per the prosecution story, the informant alleged  
  
that on the Vijayadashmi Day, as her husband stays abroad, the  
  
petitioner came and he thrust himself upon her, though she



screamed, in the presence of the children, the allegation is that he raped her. The further allegation is that this continued for further sometime and in between the allegation is that when the informant's husband returned home from abroad, he again came to her room. Later, she found the jewellery missing. This led to the F.I.R.

4. Learned Senior Counsel submits that a perusal of the F.I.R. would show that it is not an one off incident, rather it happened several times, which clearly shows that it was consensual. Further, the petitioner is a young boy of 20 years having no criminal antecedent, if granted relief, he shall be diligently appearing in trial.

5. Learned counsel for the informant on the other hand informed this Court that the processes under section 83 of the Cr.P.C. has been issued. He however, has not brought anything on record nor even the copy.

6. Considering the kind of allegation of the petitioner that has come and the fact that it continued with the married lady for some more time, and is a young boy of 20 years, has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. However, this is subject to the fact that if the



contention of the learned counsel for the informant is correct that the process under section 83 of the Cr.P.C. has been issued, in that background, the order shall become infructuous and the petitioner shall be seeking relief by surrendering and filing an appropriate bail application.

8. If it happens, the petitioner has to surrender, in that background, the petition be heard and disposed of preferably on the same day.

9. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj P.S. Case No. 281 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(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 bail bonds.

**(Rajiv Roy, J)**

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