

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58879 of 2024

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA PS District- Khagaria

Amit Kumar Son of Sushil Sharma Resident of Village - Baramsiya New
Brilliant Coaching Gali, Jagarnath Mandir, P.S. and District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

Mr. Chandan Kumar Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 493, 509 of the IPC in connection with Khagaria
Mahila P.S. Case No.05 of 2022.

3. The learned counsel for the petitioner submits that
petitioner is a Branch Manager and has been falsely implicated
in the instant case by the informant with an allegation that
petitioner on pretext of marriage lured her thereafter physically
molested her and even established physical relation.

4. The learned counsel for the petitioner submits that
the relationship was purely consensual and whatever happened



in between the petitioner and the O.P. No.2 was with consent of the O.P. No.2, but whenever such relationship sours on account of some reason then a case is instituted alleging rape.

5. The learned counsel for the petitioner next submits that the petitioner was completely unaware that informant was married from before and when the said fact came to the knowledge of the petitioner as such the relationship broke and the instant case came to be instituted.

6. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner and submits that petitioner on pretext of marriage established physical relation but then refuse to marry, but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that informant was married from before and from perusal of the allegation as alleged in the FIR it would manifest that the said fact has been concealed.

7. The learned counsel appearing on behalf of the informant next submits that no doubt informant was married from before but then her relationship with her husband was not cordial for which she has instituted a case against her husband which is pending adjudication, on which the learned counsel appearing on behalf of the petitioner submits that since the



informant accepts that she was married from before which amply demonstrates that the instant case has been instituted only to coerce the petitioner into submission.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Ist, Khagaria in connection with Khagaria Mahila P.S. Case No.05 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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