

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61483 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Vikash kumar Son of Rajendra Ram Resident of Village - Navi Nagar
Janakpur Pokhra, P.S. - Navi Nagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Uday Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 12-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 306 and 376 of the Indian Penal Code.

3. The prosecution case, in brief, is that this petitioner, who is brother-in-law of the informant has been talking with the informant since two years and occasionally used to visit her house. It is alleged that since one year, this petitioner was in relationship with the informant on the assurance of marriage and thereafter the informant became pregnant of two months. In this regard, a *Panchayati* was also held but this petitioner refused to marry the informant and demanded three lakh rupees cash and a motorcycle as dowry.



4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case with oblique motive. From bare perusal of the F.I.R. it is apparent that informant is married to one Mantu Kumar in the year 2021 itself and at the time when relationship developed between the parties, both parties were major and enjoyed each others company for a long period. Both the parties were well aware of the consequences of such relationship. As a matter of fact, it was a consensual relationship and as such, the same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Kaimur at Bhabhua in connection with Bhabhua Mahila P.S. Case No. 37 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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