

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64829 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- COMPLAINT CASE - ARWAL District-
Jehanabad

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Vikash Kumar S/o Munilal Ram R/o Village- Shivnagar, P.S.- Karpi, District-
Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushma Kumari D/o Santosh Kumar R/o Village- Shivnagar, P.S.- Karpi,
District- Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Sections 64, 316 and 318 of the Indian Penal Code, however, cognizance has been taken under Sections 376 and 420 of the Indian Penal Code.

3. Case of the complainant, in short, is that both the complainant and this petitioner are co-villagers and on the false pretext of marriage, this petitioner established physical relations with her in the year 2020 and thereafter, continued to indulge in sexual act. After getting knowledge about the relation, parents of the complainant/victim performed her marriage with another



boy without her consent. It is further alleged that when the victim narrated the story at her matrimonial house, she was ousted and returned to her mother's house. Thereafter, this petitioner again started establishing physical relations with her as a result of which she got pregnant and a child was born and when the complainant/victim proposed this petitioner for marriage, he refused.

4. It is submitted by learned senior counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. The entire prosecution case, as set out in the complaint petition, is out and out false, fabricated and concocted. It is a case of prolonged love affair between two consulting adults which has been given a colour of forcible sexual intercourse. At the time when the relationship developed, both of them were major and were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting adults and both of them enjoyed each others company for four long years. It is further submitted that only because the relationship could not continue and failed, the same does not amount to rape. Moreover, the present complaint case has been lodged after inordinate delay of four years. Petitioner claims clean antecedents.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, nature of accusation, delay in lodging of the F.I.R. 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 C.J.M., Arwal, Jehanabad in connection with Complaint Case No. 268(C) of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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