

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76099 of 2024**

Arising Out of PS. Case No.-188 Year-2024 Thana- KARPI District- Jehanabad

Bittu Kumar S/o- Umesh Yadav Vill- Jaimangal Bigha PS-Karpi Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

5      15-05-2025                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner apprehends his arrest in connection  
with Karpi P.S. Case no.188 of 2024 registered under Section 64  
of B.N.S, 2023.

3. As per the prosecution case, the informant states  
that on 27.07.2024 while the informant had gone to attend a  
family function and her daughter (victim) aged about 18 years  
was alone in home, the accused Bittu Kumar entered in the  
house and established physical relations with her daughter. She  
further states that the mobile phone of the petitioner was also  
left in her house.

4. Learned counsel for the petitioner submits that the  
petitioner has been falsely implicated in the case. The



allegations against the petitioner are false and concocted and as a matter of fact the victim and the petitioner are both adults and they were both in a relationship with each other. It has further been argued that the present F.I.R has been lodged after due thought and deliberation after an inordinate delay of 23 days on 19.08.2024 without giving any satisfactory explanation by the informant. The medical report of the victim which is available along with the case diary also shows that there was no recent sign of sexual intercourse and the age of the victim has been assessed to be 18-20 years. The victim in her statement recorded under Section 183 of the B.N.S.S states that she used to talk with the petitioner which was not to liking by her mother (informant) and her mother also threatened the petitioner at his house. However, the later part of the statement discloses that the petitioner had entered the house of the informant and had established physical relationship with the victim. However, the very last portion of the statement of the victim discloses a different story altogether as she herself stated that the petitioner had given her mobile phone and subsequently asked her to throw the same away whereafter she had thrown it away. The entire statement of the victim girl is a highly confused one from which this much can be culled out that the petitioner and the



victim were in a relationship with each other. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant, however, controverts the submissions made by the learned counsel for the petitioner and points out to the statement made by the victim before the police which has been recorded during course of investigation in which she has supported the allegations made in the F.I.R. However, the delay caused in the institution of the F.I.R. yet does not seem to be satisfactorily explained.

6. Considering the entire facts and circumstances of the case and also considering the fact that it is a case of consensual relationship between two adults and there is delay in lodging of the F.I.R, it is directed that the petitioner above named, who has no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Karpi P.S. Case no.188 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Arwal,



subject to the condition laid down under Section 438(2) of the  
Code of Criminal Procedure/Section 482(2) of the B.N.S.S,  
2023.

**(Soni Shrivastava, J)**

Harsh/-

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