

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80872 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- CHAUTHAM District- Khagaria

Gaurav Kumar @ Gourav Kumar S/o Brahmdeo Singh R/o Village- Nirupur,
P.S.- Chautham, Distt.- Khagaria, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari S/o Shekho Singh R/o vill and Post - Nirupur, P.S. -
Chautham, Distt.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Priyanka Singh, Advocate
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For Opposite Party No.2	:	Mr. Raju Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that on the pretext of marriage, this petitioner established physical relations with the informant, due to which she got pregnant. It is further alleged that when informant informed her family members, a *Panchayati* was held and during the same, brother of petitioner assured that he will get this petitioner married with the informant. However, when informant's father went to house of petitioner, all the accused persons abused and assaulted him.



4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that the victim is a major and a relationship developed between the informant and this petitioner, which continued for a long time and both of them indulged in sexual acts and as such, the same cannot be said to be induced or involuntary. The victim in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that she had love affair with this petitioner and physical relations were consensual in nature. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State as well as learned counsel for 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, the fact that both parties are major 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., Khagaria, in connection with Chautham P.S. Case No. 67 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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