

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80886 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- MAHILA P.S. District- Patna

Abhishek Kumar S/O Sri Bhola Rai @ Bhola Singh R/O Ghataro, P.S-
Lalganj, Distt.- (Hajipur) Vaishali ... Petitioner

Versus

1. The State of Bihar
2. Kajal Singh D/O Sri Dharmendra Singh New M.I.G. Block No.-5, Sector-7,
Room No.-16, Near at New Agamkuan Police Station, Bahadurpur Housing
Colony, P.S.-Agamkuan, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Binod Kumar, A.P.P.
Mr. Umakant Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2025 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for
offence under Sections 376, 313 and 506 of the IPC and section
66A of the IT Act.

3. As per the prosecution case, while the informant
was working in SBI Credit Card Branch, Patna she came in
contact with this petitioner and friendship developed between
both of them and ring ceremony was performed on 3.7.2021.
After that petitioner forcibly made physical relation with her
due to which she became pregnant which was aborted.
Informant further alleges that petitioner denied to marry and
also threatened to make viral her obscene videos and photos.

4. It is submitted on behalf of petitioner that from



perusal of the F.I.R., it is apparent that both parties are major and they were in relationship for quiet some time. They enjoyed each others company for several years and indulged in sexual act, which cannot be said to be induced or involuntarily. Relationship was consensual and informant was very much capable of understanding the consequences of her action and simply because relationship could not work out, it will not give rise to institution of F.I.R. for the offence punishable under section 376 of the IPC. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State and the informant vehemently oppose the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Patna in Mahila Police Station Case No. 35 of 2024, subject to condition as laid down under Section 438 of the Indian Penal Code.

(Prabhat Kumar Singh, J)

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