

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83478 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Ram Vinay Kumar S/O Fuldev Sah Resident of Village- Rampur, P.S-
Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari D/O Ghanu Sah R/O Village- Rampur, P.S- Sahebganj, Dist.-
Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 376 and 34 of the Indian Penal Code.

3. As per the prosecution case, on 01.01.2023, this petitioner called the victim in his house and thereafter stupefied her by serving tea and committed rape. It is further alleged that thereafter, on the false promise of marriage, this petitioner established physical relations with the victim several times and later on refused to marry her.

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. It is further submitted that both parties are relatives and were known to each other. As a matter of fact, parents of the informant wanted to marry her with this petitioner and on refusal by parents of this petitioner, this false and concocted case has been lodged. Petitioner is working in Krishna Industrial Service Super Pvt. Lotd. In Gujarat and on the alleged date of occurrence, he was in Gujarat. It is further submitted that as per F.I.R., the relationship between the informant and this petitioner continued to more than one year and it is alleged that in between, this petitioner established physical relations with the informant several times but at no point of time she made any protest or complaint. Informant is a major and she was 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 antecedent.

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

6. Considering the aforesaid facts and circumstances,



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 Judicial Magistrate-Ist Class, West Muzaffarpur in connection with Sahebganj P.S. Case No. 210 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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