

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89145 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- MAHILA PS District- Gaya

Aditya Raj @ Shubham Kumar, Son of Santosh Singh @ Lakadwa @ Santosh Kumar, Resident of D.V.C. Supply Colony, P.O. and P.S. - Chandauti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Subhangi Pandey, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No.25 of 2024 registered for the offences punishable under Sections 376, 493, 504 and 506/34 of the Indian Penal Code.

3. There is an allegation in the First Information Report that on a false pretext of marriage the victim has been sexually exploited as physical relationship was made between the petitioner and the victim.

4. Learned counsel for the petitioner submits that there was a love relationship between the petitioner and the victim and they were known to each other for the past 3 to 4 years. It is further submitted that the victim girl is a major above



19 years of age and the same would be evident from paragraph 32 of the case diary.

5. It is further submitted that the relationship between the petitioner and the informant is purely a consensual relationship between two adults and no offence under the alleged Sections would be made out against the petitioner. It would be evident from reading of the FIR and also the statement of the victim girl that it was basically the parents of the petitioner who finally did not agree to the marriage.

6. Learned counsel for the petitioner also submits that the victim has very clearly stated in her 164 Cr.P.C. statement that she wants to get married to the petitioner and her mother is not allowing him to get married to him. In such view of the matter, it would not be a case of any false promise rather it may be a case only of breach of promise due to certain unavoidable conditions.

7. Learned APP for the State has opposed the prayer for anticipatory bail, besides other grounds, also on the ground that the petitioner has one criminal antecedent to which the learned counsel for the petitioner has responded by stating that he is on bail in the said case.

8. Taking into consideration the abovementioned facts



and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Sub-Divisional Judicial Magistrate, Gaya in connection with Mahila P.S. Case No.25 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

9. It is however noted that the present case has been heard upon a mentioning slip annexing the wedding card of sister (Kajal) of the petitioner. The concerned SHO of Mahila Thana, Gaya would verify the factum of marriage and in case



the same is found to be false or non-existent, steps would be taken for cancellation of bail of the petitioners in the court below on the said ground.

(Soni Shrivastava, J)

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