

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88576 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- Benta District- Darbhanga

Jai Prakash Yadav S/o Vinod Chand Yadav @ Vinod Chandra Yadav R/o
Village- Atimi, PS- Nashriganj, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sneha Kumari @ Guddi Kumari D/o Ajay Kumar Mahto R/o vill -
Gangawara, P.O. - Saramohanpur, P.S.- Sadar, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitiones	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Babu Nandan Prasad, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For Opposite Party No.2 :	:	Mr. Anjani Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 64, 351(2), 123, 69 and 3(5) of the B.N.S.S..

3. As per prosecution case, informant, who is 24 years old and resident of Gangawra, P.O.- Sar Mohanpur, P.S.- Sadar, District- Darbhanga, was known to this petitioner for the last one year and both of them were in talking terms through mobile. It is alleged that on 11.09.2024 this petitioner called her and asked her to meet at a hotel situated in Benta, Darbhanga where all the accused persons named in the F.I.R., including this petitioner, gave some intoxicant substance to her and later on



committed rape upon her on false pretext of marriage for three days. Thereafter, both of them continued to be in touch with each other for the next eight months on mobile and thereafter it is alleged that on 28.08.2024 accused called her and took her to Madhya Pradesh where he again committed rape upon her for the next nine days and later on told her that he is already married and has three children. Accordingly, the instant F.I.R. has been lodged.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. it is apparent that the informant is a major and 24 years old. It is also apparent that both parties were in relationship with each other for more than one and half years and enjoyed each others company and engaged in sexual act. The informant was fully aware of the consequences of such relationship and 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 antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is



named in the F.I.R. and there is specific accusation that on the false pretext of marriage, he committed rape upon the informant.

6. Considering the aforesaid facts and circumstances, nature of accusation, the fact that both parties are major and were in relationship for more than a year 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., Darbhanga, in connection with Benta P.S. Case No. 100 of 2024, subject to condition as laid down under Section 482 of the B.N.S.S..

(Prabhat Kumar Singh, J)

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