

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85 of 2025

Arising Out of PS. Case No.-30 Year-2024 Thana- MAHILA P.S. District- Araria

Sudhir Kumar Son of Naren @ Narayan Bishawas Resident of village-
Kalkali Ward no 14 PS -Mahalgaon District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 376, 417, 379, 506 of the Indian Penal Code.

3. As per the prosecution case, the marriage of informant was solemnized in the year 2016 and out of wedlock, she was blessed with three daughters and her husband used to live in Kashmir for livelihood. It is alleged that in the month of August, 2022, while the informant was going to her *maika*, on way, the sister-in-law of this petitioner met her and she took the informant to her house where she (informant) met this petitioner and thereafter, friendship developed between them. It is further alleged in the F.I.R. that in the month of December, 2022, this petitioner came at the home of informant and on the pretext of



marriage, established physical relation with her and thereafter, the relationship continued for about two years, but in one night, when petitioner had come to informant's house, he was seen by sister-in-law of informant and she disclosed it to other family members, as a result of which, on 25.03.2024, the in-laws members of informant ousted her from her matrimonial home. It is also alleged by informant that one gold ear ring worth Rs. 13,000/- and one silver necklace were snatched by this petitioner while informant was in relationship with petitioner.

4. Learned counsel for the petitioner submits that from perusal of the F.I.R., it is apparent that both were major and they were in relationship for quiet some time. They enjoyed each others company for several months and indulged in sexual act, which cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action and simply because the relationship could not work out, it will not give rise to institution of F.I.R. for the offence under Section 376 of the Indian Penal Code. Rest of the allegation is ornamental. Petitioner has got clean antecedent.

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



6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below 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 S.D.J.M., Araria in connection with Araria Mahila P.S. Case No. 30 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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