

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10421 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -ALAMGANJ District- PATNA

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1. Sarvesh Prakash @ Sonu son of Jay Prakash Gupta, R/o Mohalla-
Chailitand, Near- Mahavir Temple, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Pd. Pandey, Sr. Adv.

Mr. Pravin Kumar Sinha, Adv.

For the Informant Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 14-03-2016

Counter affidavit is filed on behalf of the informant.

Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 379, 504 of the Indian
Penal Code.

The accusation against the petitioner is that he
established physical relation with the informant on false promise
of marriage but when informant became pregnant, petitioner
refused to solemnize his marriage with the informant.

Learned counsel appearing for the petitioner submits

that informant was major and married lady at the time of alleged occurrence and according to her, she had already been deserted by her husband and, therefore, she was fully aware about the consequences of physical relation. It is further submitted by him that as a matter of fact, no such occurrence, as alleged in the first information report, did ever take place and even if the prosecution story assumed to be true, then also, the informant was a consenting party.

Learned counsel appearing for the informant vehemently opposed the prayer submitting that in the statement recorded under Section 164 of the Cr.P.C., the informant very clearly stated that petitioner forcibly committed rape on her and subsequently, promised to solemnize his marriage but when informant became pregnant, petitioner refused to solemnize his marriage with her.

Petitioner is languishing in jail custody since 06.11.2015 and the investigation has already been completed. Furthermore, according to prosecution case itself, the physical relation of the petitioner with informant continued for a long period, but between the aforesaid period, the informant never reported the story of forcible rape to the police or any other person.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been completed, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 99 of 2015.

(Hemant Kumar Srivastava, J)

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