

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37344 of 2016

Arising Out of PS.Case No. -306 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

Niraj Nirala @ Niraj Kumar Thakur, son of Shri Mahabir Thakur, resident
of village - Janerwa (Areraj), Police Station - Govindganj, District - East
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Paharpur P.S. Case No. 306/15 for offences alleged under Sections
420, 406, 376, 313, 315, 316 of the Indian Penal Code.

Allegation is that petitioner forcibly committed
rape with the complainant as also made physical contact for some
time on the pretext of marriage and when she became pregnant
petitioner gave her medicine and got aborted her pregnancy and
also gave threatening to kill her.

It has been submitted by the learned counsel
for the petitioner that he is innocent and, in fact, as per the



complaint case, the date of occurrence begins from August, 2014 till October, 2015 and it was a consented relationship which did not fructify in marriage. He submits that even in the statement of the complainant-informant under Section 164 Cr.P.C. she has categorically stated that the petitioner did not marry her. He further submits that the complainant has given false information about her father who is still alive and is named Tulsi Thakur, as is evident from her Adhar Card and her name is Pinki Kumari and not Guddi Kumari, which is Annexure-4 to this petition. It has further been submitted that the complainant has married twice, firstly with one Raj Kumar and second marriage was with Nathuni Thakur and thus the allegations are baseless and incorrect.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to consented relationship between the petitioner and the complainant for a long time and that the petitioner has no criminal history, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released 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 Chief Judicial Magistrate, East Champaran
at Motihari, in connection with Paharpur P.S. Case No. 306/15,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--