

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15453 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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1. Rajesh Kumar S/o Lalan Paswan, Resident of Village-Dorma, P.S.-Bihra,
District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 01-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Mahila
Saharsa P.S. Case No. 104 of 2016 registered for the offences
punishable under Sections 341, 323, 376 and 379/34 of the Indian
Penal Code.

Allegedly, the informant and the petitioner developed
intimacy and the petitioner assured to marry with her and
thereafter applied vermilion on her head and developed physical
relationship for four days and thereafter, the petitioner was
brought to her in-laws house where her ornaments, valuing Rs.
75,000/- were snatched by the petitioner and other in-laws and
then she came to her father and again the petitioner called her and



brought her at Saharsa bus stand where the petitioner raped her and then police came and arrested both of them.

Submission is of false implication and that no offence under Section 376 IPC is made out. The doctor has examined the informant and has found her age above 18 years and further no sign of sexual assault was seen. The petitioner is suffering in custody since 31.05.2016 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner committed sexual assault also.

In the facts and circumstances stated above, considering that physical relationship was developed by consent of both the parties and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa in connection with Mahila Saharsa P.S. Case No. 104 of 2016 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason



shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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