

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59117 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- MAHILA P.S. District- Samastipur

Dinesh Kumar, Son of Teju Ram, Resident of Village- Dangoh Khas, P.S. Gagret, District- Una Himachal Pradesh, at present resident of Principal Kendriye Vidyalaya, P.S. Bela, District Saran Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

For the Opposite Party/s : Mr. Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-10-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.

The petitioner, who is in custody, seeks bail in connection with Samastipur Mahila P.S. Case No. 25 of 2017 registered for the offence punishable under Section 376 of the Indian Penal Code.

Informant Nitu Jha in her written complaint has stated that she was working as a PGT (Bio) teacher in Kendriya Vidyalaya, Pusa since 21.11.2016. Her residence was in front of the residence of Dinesh Kumar (petitioner) who was Principal of Kendriya Vidyalaya, Pusa, Samastipur. Petitioner first of all developed his friendship with her and on promise of marriage with her made physical relation many times. Thereafter she made pressure upon petitioner for marriage but he threatened



to dismiss her from service and also to kill her.

It has been submitted on behalf of the petitioner that the incident is alleged from 21.11.2016 (date of joining) to 20.04.2017 (end of service), it means allegation of physical relation was started from the date of joining which is not possible in any manner. It has been further submitted that informant Nitu Jha is major. The allegation of establishing physical relation with her on promise of marriage is false and concocted. The allegations even assumed to be true being consensual cannot be offence. Petitioner has no criminal antecedent and he is in custody since 29.06.2018.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 2, Samastipur, in connection with Samastipur Mahila P.S. Case No. 25 of 2017.

(S. Kumar, J)

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