

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49180 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- MAHILA PS District- Buxar

Shiv Jee Rai, son of Binay Rai, Resident of Village - Sonpa (Jalilpur), P.S.
Rajpur, District - Buxar.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, A.P.P. Mr. Dinkar Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-08-2018 Heard Sri Ramakant Sharma, learned Senior Counsel, assisted by Sri Rajesh Kumar, learned counsel for the petitioner, Sri Mukesh Kumar Singh, learned Addl. Public Prosecutor as well as Sri Dinkar Kumar, who informed that he has filed Vakalatnama only today on behalf of the informant.

The sole petitioner, who is in custody since 05.06.2018 in Mahila (Buxar) P.S. Case No.47 of 2018 registered for the offence under Sections 493, 376, 420 of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner, by way of drawing attention to the F.I.R. as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, submits that the informant of the present case was major, aged



about 24 years and she herself had admitted that on Face Book, she initially contacted the petitioner and , thereafter, from Face Book the petitioner developed relation and physical relation with the informant. Subsequently the petitioner has denied to marry with the informant. According to learned counsel for the petitioner, on the basis of fardbeyan itself, it appears that it was consented sexual relationship and subsequently with a view to put pressure for solemnising marriage, this false case has been instituted.

Learned Addl. Public Prosecutor as well as learned counsel for the informant have vehemently opposed the prayer for grant of bail on the plea that right from the very beginning the petitioner had given assurance for marriage , but subsequently he denied.

Besides hearing I have also perused the material on record, particularly the F.I.R. and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and after examining the same, it is evident that the petitioner and the informant, both were in physical relationship and subsequently, it appears that the informant has alleged that the petitioner had denied to marry her.

Prima facie on examining the record I am of the



opinion that it is a fit case for grant of bail. Accordingly, let the petitioner, namely, Shiv Jee Rai 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 S.D.J.M., Buxar in connection with Mahila (Buxar) P.S. Case No.47 of 2018.

(Rakesh Kumar, J.)

nawalkrs/-

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