

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61440 of 2018

Arising Out of PS. Case No.-162 Year-2017 Thana- MAHILA P.S. District- Nalanda

Pragya Raj @ Vicky Kumar, Son of Binod Prasad @ Vinod @ Bindu Prasad,
Resident of Village- Keshochak, P.S.- Chiksaura, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Babita Kumari, Advocate Mr. Ishtiaque Ahmad, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Ram Ishwar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-10-2018 Heard the learned counsel for the petitioner, the learned Additional P.P. for the State as well as the learned counsel appearing on behalf of the informant.

The petitioner seeks bail in Mahila P.S. Case No.162 of 2017, registered under Sections 376/506/34 of the Indian Penal Code.

The informant alleged that after 2010 she came in contact with a teacher, namely, Pragya Raj @ Vicky, a teacher of Brilliant Public School, Chaiksaura and she fell in love with the petitioner. She further narrated the entire story that how the petitioner continued to have physical relation with the informant on assurance of solemnizing marriage but later on the petitioner



refused to marry with the informant.

The learned counsel for the petitioner submits that the victim herself disclosed in her statement that she is 22 years old. She has been in touch with the petitioner and voluntarily allowed the petitioner to have sexual relation. It is further submitted that during the course of investigation, the witnesses have said that the informant left her house and went to somewhere else. No offence under Section 376 of the Indian Penal Code can be made out as the informant happens to be major and a consenting party. On the other hand, the learned counsel for the informant and the learned Additional P.P. vehemently opposed the prayer for bail and submitted that there is specific allegation that the petitioner continued to have physical relation with the prosecutrix for last eight years.

From the perusal of the record, it appears that the prosecutrix is a major girl and she herself stated that she also fell in love with the petitioner. The petitioner established physical relation with the victim out of her free will and wishes. The informant did not disclose any facts showing that the petitioner established physical relation against her will.

Considering the facts aforesaid, petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Nalanda at Biharsharif in connection with Mahila P.S. Case No.162 of 2017.

(Prabhat Kumar Jha, J)

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