

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29629 of 2019

Arising Out of PS. Case No.-60 Year-2018 Thana- Mahila P.S. District- Samastipur

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Dinesh Kumar Mishra, aged about 40 years, Sex – Male, Son of Late Shital Kishor Mishra, Resident of Village- Nagar Basti Hansa, PS- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sujit Kumar Singh
For the Opposite Party/s :	Mr. Anand Mohan Prasad Mehta
	Mr. Prakash Chandra Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 11-06-2019 Heard Sri Sujit Kumar Singh, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Prakash Chandra Jha, learned counsel for the informant.

The sole petitioner, who is in custody since 12-02-2019, in Smastipur (Mahila) P.S. Case No. 60 of 2018 registered for offence under Sections 376, 313, 323, 354, 506, 341, 504/34 of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner, at the very outset, has drawn my attention to F.I.R., which was lodged on the basis of a typed report submitted before the officer incharge of Samastipur police station under the signature of informant. On going through the F.I.R., it is evident that the informant is a



divorcee and thereafter, she developed relationship with the petitioner. It was alleged in the F.I.R. that without marriage, she remained with the petitioner in a rented house and thereafter, she conceived. Learned counsel for the petitioner has subsequently drawn my attention to statement of the informant recorded under Section 164 of the Cr.P.C., which has been brought on record, as Annexure – 2 to the petition. In statement, recorded under Section 164 of the Cr.P.C., the informant herself has stated that on 03-07-2017, her marriage was solemnised with the petitioner.

Learned counsel for the informant tried to persuade the Court that petitioner has exploited the informant and as such, the petitioner may not be extended the privilege of bail.

However, considering the facts and circumstances, particularly the fact that in the F.I.R., the informant disclosed that without marriage she remained with the petitioner for seven months and in statement recorded under Section 164 Cr.P.C., she has stated that her marriage was solemnised with the petitioner, the Court is of the opinion that it is a fit case for extending the privilege of bail.

Let the petitioner namely Dinesh Kumar Mishra 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 Sri Rakesh Ranjan, learned Judicial Magistrate 1st Class, Samastipur in connection with Samastipur (Mahila) P.S. Case No. 60 of 2018.

(Rakesh Kumar, J.)

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