

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28327 of 2019**

Arising Out of PS. Case No.-641 Year-2018 Thana- PURNEA SADAR
District- Purnia

=====

RAVI KANT PATHAK Son of Chandra Kant Pathak Resident of Near Sani
Mandir, P.S.-Gulababag, Hansadah, P.S-Gulababagh, District-Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 504, 506, 376, 379, 494 of the
Indian Penal Code registered in connection with Sadar P.S. Case
No. 641 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the accusations of the offences alleged are
improbable. It is submitted that the informant is a matured lady
of 33 years of age married to Podari Sahni with whom she has
three children. The informant and the petitioner have been living
together since more than 11 years and the instant F.I.R. has been
instituted thereafter when the informant saw a photograph of the
petitioner with another woman. It is therefore submitted that in



such circumstances the offence under Section 376 IPC is not made out and the physical relationship was consensual in nature. The medical report did not find any injury on her person. Learned counsel for the petitioner relies on the decision of the Hon'ble Apex Court in *Tilak Raj Vs. State of Himachal Pradesh, 2016 (4) SCC 140*. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 641 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present



in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar//-

U		T	
---	--	---	--

