

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61030 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- MAHILA P.S. District- Banka

RAKESH KUMAR S/o Sikendra Singh @ Sikandar Singh R/o village- Bihat
(Kiul- Garhara), P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 420, 376/34 of the Indian Penal Code.

The prosecution case in short is that on the pretext of
marriage, the accused person established physical relationship
with the informant.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 9.6.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. On recovery, the statement of the
victim has been recorded under Section 164 Cr.P.C. in which
she has admitted that a consensual relationship was established



on the pretext of marriage. Later on, the petitioner is said to have denied from the marriage. Hence, the present case has been instituted. The petitioner has further relied upon the case of ***Dr. Dhruvaram Murlidhar Sonar versus State of Maharashtra & Ors.*** since reported in ***2019 SCC Online SC-3100***. Hence, no offence under Section 376 IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R..

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka in connection with Mahila P.S. Case No. 29 of 2019.

(Sudhir Singh, J)

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