

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73804 of 2019

Arising Out of PS. Case No.-434 Year-2019 Thana- NATHNAGAR District- Bhagalpur

JIVAN RAJAK @ JIVAN KUMAR @ JIWAN RAJAK @ JIWAN KUMAR
S/o Pramoad Rajak R/o village- Noorpur, P.S.- Nathnagar (Madhusudanpur),
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under sections 376 and 420 of the Indian Penal Code in connection with Nathnagar (Madhusudanpur) P.S. Case No. 434 of 2019 (District- Bhagalpur).

As per the allegation in the FIR, the petitioner is alleged to have misled the informant that he would marry her and established physical relationship with her.

It is submitted by learned counsel for the petitioner that the allegation as a levelled in the F.I.R. are false and concocted. In fact the informant herself is a married lady. The



establishment of physical relationship between the petitioner and the informant would not amount to rape. Learned counsel for the petitioner relies upon the judgment in the case of **Deepak Gulati versus State of Haryana** reported in (2013)7 SCC 675 in support of his contention.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, let the petitioner above named be enlarged on bail, in the event of his arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 434 of 2019 (District-Bhagalpur) subject to the condition stipulated under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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