

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1696 of 2020**

Arising Out of PS. Case No.-204 Year-2018 Thana- MIRGANJ District- Gopalganj

SANDEEP KUMAR SINGH @ SANDEEP KUMAR Son of Amarjeet Singh
@ Amarjeet Bhagat Resident of Village-Kusaundhi, P.S.-Mirganj, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Uday Chand Prasad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 28-05-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

This relates to grant of bail in Mirganj P.S. Case No.
204 of 2018, registered for the offence under Sections 376, 420
of the Indian Penal Code.

In the F.I.R., the informant has alleged that there was
love affair between her and petitioner since two years and on
26th January, 2018, the petitioner took away her and kept on
different places on rental house and on the pretext of marriage,
established physical relation with her and as such, she conceived
for four months. Thereafter, it is alleged that petitioner refused
to keep her and left the informant to her house.

It is submitted on behalf of petitioner that petitioner is



innocent and has committed no offence. It is further submitted that the victim is a married lady. In support of the same, learned counsel for the petitioner has referred to paragraph 7 of the case diary, in which, the statement of the mother of the victim has been recorded. It is further submitted that from bare perusal of the F.I.R., it is apparent that there was love affairs between informant and petitioner for the last two years. Victim is adult and aged about 20 years. It is further submitted that no case of Section 376 IPC is made out against this petitioner and without any fault, he is in custody since 14-11-2019. In this case, chargesheet has already been submitted.

However, counsel for the informant as well as A.P.P. have vehemently opposed the prayer for bail. Learned counsel for the informant submits that on the pretext of marriage, the petitioner established physical relation with informant and medical report suggests that victim is pregnant of 23 weeks.

Considering the fact that there was love affair between the parties for the last two years and physical relation was established with her consent, let the above-named petitioner 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 C.J.M., Gopalganj in connection with



Mirganj P.S. Case No. 204 of 2018 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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