

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14590 of 2020

Arising Out of PS. Case No.-636 Year-2019 Thana- PIRBAHOR District- Patna

BITTU YADAV @ BITTU KUMAR, aged about 25 years, Gender-Male, Son of Ajit Yadav @ Ajit Kumar, Resident of Natraj Gali, Near Kali Mandir, P.S.- Pirbahore, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bhaskar Shankar, Advocate.

For the Opposite Party : Mr.Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 376, 341, 323, 504, 506/34 of the IPC.

The prosecution in brief, is that Bittu Yadav (petitioner) was in love affair with the informant for the last eight years and giving the promise of marriage several times committed rape with her, but now he is not ready to marry her. She has further alleged that when she went to the house of Bittu Yadav (petitioner) for disclosing the aforesaid facts then his father Ajit Yadav, mother Chinta Devi, younger brother Sonu Yadav and Bhola Yadav committed assault with her and stated that Bittu will do everything with her and she cannot do anything. It is further alleged that Bittu also committed rape with her in her house forcibly.

It has been submitted by learned counsel for the



petitioner that the petitioner is languishing in custody since 13.12.2019. The petitioner has got no criminal antecedent. He has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The physical relationship was established on the pretext of marriage. It was consensual relationship between the parties. Hence, no offence under Section 376 of the IPC is made out. Learned counsel for the petitioner has further relied upon the case of Dr. Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra & Ors., reported in 2019 SCC Online SC 3100.

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

Considering the aforesaid facts and circumstances, let 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 the learned C.J.M. Patna, in connection with Pirbahore P.S. Case No. 636 of 2019.

(Sudhir Singh, J)

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