

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20381 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- MAHILA P.S. District- Nawada

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Dharmendra Kumar Sharma Son of Vijoy Kumar Sharma Resident of
Mohalla - Rajendra Nagar Nawada, P.S.- Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar,Adv.
For the Opposite Party/s : Mr.GaneshPd. Singh,APP
Ms. Shilpi Keshri,Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 31-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Nawada Mahila P.S. Case No.11 of 2020, registered for the offence under Section 315, 420, 376, 506, 409, 34 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to have committed repeated sexual intercourse with the victim (informant) on the plea of providing job and false promise of marriage, resulting in pregnancy.

It is submitted on behalf of petitioner that petitioner and informant were known to each other and they were enjoying in each other's company since last two years. It is further submitted that the physical relationship was consensual and as



such, the allegation against the petitioner does not come within the purview of Section 376 of the I.P.C. It is further submitted that since informant was known to petitioner and as such, on different dates, she had taken money from the petitioner and when petitioner demanded his money, the informant has lodged the present FIR. Petitioner is in custody since 25.09.2020.

However, counsel for the informant vehemently opposed the bail petition and submitted that there is specific allegation against the petitioner of committing repeated sexual intercourse on the false promise of marriage resulting in pregnancy and thereafter, same was aborted by the petitioner, which fact has duly been supported by the victim (informant) in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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