

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26956 of 2021

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Banka

Ravi Kumar aged about 21 years, S/O Shyam Sundar Chauhan R/o village-
Tilaiya, P.S.- Dhoraiya, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The petitioner who is in custody since 1.11.2020 seeks regular bail in connection with Mahila P.S. Case No. 4 of 2019 for the offence punishable under sections 376, 341, 323, 34 of the Indian Penal Code.

The case of the prosecution is that the victim girl who was studying with Ravi Kumar developed intimate relationship with each other and also established sexual relationship.

It is the specific case of the prosecution that on the pretext of marriage such relationship was established but the accused Ravi Kumar refused to marry the victim girl.

Learned counsel appearing on behalf of the petitioner submits that the case under section 376 of the Indian Penal Code



is not made out against the petitioner. He further submits that even from the perusal of the statement recorded under Section 164 of the Cr.P.C. no case is made out or even if, such physical relation which was established with the victim was without any coercion or any force. It has further been submitted that the victim girl is major and the petitioner is in custody since 1.11.2020.

Learned counsel appearing on behalf of the State, Shri Ashok Kumar however, has opposed the prayer for grant of regular bail to the petitioner.

Taking into consideration the submission made by the respective parties as well as the fact that the petitioner had not forced the victim girl to indulge in sexual activities and there being no allegation of tampering or coercion, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five 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. 04 of 2019 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

Ravi/-

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