

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28434 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- KASIMBAZAR District- Munger

PANKAJ KUMAR MANDAL S/o Ram Chandra Mandal R/o Mohalla-
Puraniganj, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digamber Kr. Singh- Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Kasim Bazar P. S. Case No.147 of 2020, instituted for the offences under Sections 147, 143, 379/ 376 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 12.08.2020 and charge-sheet has been submitted in this case.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant, who is a lady aged about 48 years alleges that she was living with her family in the house of the petitioner for the last 17 years and petitioner was having



physical relation with her since last 15 years and was living as husband and wife. The daughter of the informant was made nominee in the L.I.C. policy by the petitioner and he had assured that he will get her married. Furthermore, whenever the informant asked the petitioner to marry her then the petitioner on one pretext or other used to evade it. It is alleged that on 22.08.2019, when informant pressurized him to marry then petitioner threatened her to oust her from the house and also kill her family. On 18.12.2019, after assaulting badly with fists and slaps ousted the informant and also assaulted her son, who came to save the informant.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is a mature lady of 48 years and she herself has stated that she was staying with the petitioner for the last 17 years and was in physical relation with him for the last 15 years and now, she alleges that she was raped on the ground that petitioner refused to marry her.

The learned counsel for the petitioner further submits that the relationship was consensual and whatever happened that was with the consent of both the consenting adults. As such, no offence under Section 376 of the I.P.C. is made out.



From perusal of the allegation, it would manifest that the present case has been instituted only with a view to force and coerce the petitioner into submission so that the daughter of the informant gets married.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 12.08.2020, charge-sheet has been submitted in this case and prima facie for the present it seems that the relationship was consensual, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P. S. Case No.147 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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