

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34331 of 2021

Arising Out of PS. Case No.-78 Year-2019 Thana- MAHILA PS District- Darbhanga

Chunnu Singh S/O Anil Kumar Singh @ Anil Singh Resident of Vill - Ojhaul,
P.S. - Bahadurpur, Dist - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2021 Heard Shri D.K. Sinha, learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Mahila P.S. Case No. 78 of 2019 instituted for the offences under Sections 376, 313, 506 and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 09.02.2021 and charge-sheet has been submitted in the case.

Learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that she was taking coaching at Gyan Coaching Center where Chunnu Singh (petitioner) met and enticed her and they entered into a relationship. It is alleged that the love affair started on threat. It



is further alleged that this petitioner established physical relations with the informant on allurement of marriage with her and when she became pregnant, the petitioner got the pregnancy terminated and refused to marry her. On 02.09.2019, this petitioner had given ATM to the informant to withdraw Rs. 15,000/- and when she withdrew the said amount, thereafter this petitioner took back Rs. 14,000/- from her and further that father of this petitioner came to her house and raised hulla that why she took amount of Rs. 15,000/- from his son and demanded the money failing which he will murder her.

Learned senior 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 aged about 18 years and the doctor on radiological examination has assessed the informant to be in between 19 to 20 years, the learned senior counsel further submits that admittedly the informant was a major and she was aware of the consequences of her action. It is further submitted that it does not stand to reason that a major city-bred girl would continue in a relationship and would also indulge in physical relationship without understanding the consequences of the same. Learned counsel further submits that though informant alleges that her pregnancy was terminated by this



petitioner but she has not disclosed the name of the doctor where she was taken for getting her pregnancy terminated. Learned senior counsel submits that from perusal of the injury report it would manifest that the doctors on medical examination of the informant have opined that “according to the above findings, it cannot be said with surety that penetrative sex was done with the girl in recent past.” (Annexure-3).

Learned senior counsel submits that both the petitioner and the informant well understood the nature of relationship in which they were and it does not stand to reason that the informant would have continued to be in a relationship for so long only on the assurance of the petitioner that he will marry her.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that informant has clearly alleged rape by the petitioner on the ground that she was misled that the petitioner would marry her.

Considering the fact that the petitioner is in custody since 09.02.2021, charge-sheet has been submitted in the case and the informant is a major and she understood the consequences of her relationship with the petitioner, let the petitioner above named be released on bail on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Mahila P.S. Case No. 78 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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