

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.172 of 2021**

Arising Out of PS. Case No.-12 Year-2019 Thana- MAHILA P.S District- West Champaran

NITESH KUMAR @ RANJAN KUMAR, Son of BINOD KUMAR,
Resident of Village- Matiyaria, Tiwari Tola, P.S.- Harsidhi, District- East
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 28-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun

Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Bettiah Mahila P.S. Case No. 12 of 2019

registered for the offence punishable under Section 376 of the

Indian Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story the informant who is aged about 23 years

and is working in “Jeevika” came in touch with the petitioner

who happens to be one of her relatives. She alleged that after

her introduction with the petitioner she came close to him and the petitioner promised her to marry and on that promise he established physical relationship with her. According to the informant she was in physical relationship with the petitioner for about six years, however, one day both of them were caught by the neighbours in a compromising position and a decision was taken by the local caste people that both of them should marry, the petitioner also became ready for the same, the informant claims that she was also ready for the marriage but thereafter the petitioner was called by his Phupha and the petitioner refused to marry her. She has alleged that the petitioner duped her of rupees one and half lacs.

Learned counsel submits that a bare reading of the First Information Report would show that the informant is major lady working with an organization and she admits to have made relationship for six continuous years and the talk of marriage is said to have taken place after they were caught by the neighbours.

Learned counsel, thus, submits that the allegation of promising the informant to marry her and on that promise making of physical relationship is a palpably false and concocted story. Without admitting the allegations learned

counsel submits that the six years of continuous physical relationship by two majors indicate that they were having consensual relationship.

On the other hand, Mr. Arun Kumar Pandey, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. submits that the informant is a handicapped person and she entered into the relationship only because of the promise made by the petitioner.

Considering the facts and circumstances of the case wherein the informant herself claims that she is major and had been in relationship with the petitioner for six years and the talk of marriage took place after the neighbours found them in compromising position, this Court having noticed these facts and the continuous relationship of six years is inclined to release the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Mahila P.S. Case No. 12 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with

the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.