

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6638 of 2021

Arising Out of PS. Case No.-134 Year-2019 Thana- NAGARNAUSA District- Nalanda

SANNI KUMAR s/o Rabindra nath R/o village- Nagarnausa, P.S.-
Nagarnausa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sucheta Yadav, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For Informant	:	Mr. Shyamal Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Nagarnausa P.S. Case
no. 134/2019 registered under section 376 of the Indian Penal
Code.

As per the allegation in the first information report, it
is stated by the informant that on the pretext and promise of
entering into a marriage, the petitioner and the informant who
were having love affair for the last 5 years, the petitioner
established physical relations with her. Subsequently he refused
to marry her.



It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. Even accepting the allegations levelled in the FIR, no offence under section 376 of the Indian Penal Code would be made out as both the petitioner and the informant were major. The petitioner is in custody since 1.7.2020 and has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from perusal of the FIR itself it would transpire that it was as a result of plan and conspiracy that consent has been obtained from the informant. In the facts of the case it is clear case of rape.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the FIR, the petitioner and the informant being major, the informant having refused medical examination and the petitioner being in custody since 1.7.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Nagarnausa P.S. Case no. 134/2019 on furnishing bail bond of Rs.10,000/



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
Hilsa, District Nalanda.

(Partha Sarthy, J)

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