

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6118 of 2022

Arising Out of PS. Case No.-396 Year-2020 Thana- BISFI District- Madhubani

Nitish Kumar @ Nitish Kumar Sah, Son of Bhagwan Prasad Sahu, Resident of Village - Bisfi (Aunsi), P.s.- Bisfi (Aunsi), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Bisfi (Aunsi) P.S. Case No. 396 of 2020 registered for the alleged offences under Sections 376, 420, 323 and 504/34 of the Indian Penal Code.

As per prosecution case, giving inducement of marriage the petitioner established sexual relationship with the informant and made sexual contact with her on a number of occasions. A panchayati was held to make the petitioner marry with the victim girl but the petitioner did not agree and they put a condition that the father of the girl should give Rs. 500,000/- in cash, 50 grams of gold and a vehicle of his choice. They abused and assaulted the family members of the informant.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The present case has been lodged in retaliation as earlier brother of the petitioner lodged a case against the informant's family as Bisfi (Aunsi) P.S. Case No. 266 of 2020 under Sections 354(B), 341, 323, 325, 379, 427/34 of the Indian Penal Code. From the FIR, it is apparent that the informant is a major girl and she voluntarily established sexual relationship with the petitioner. She was knowing the consequence of her act. From the medical report, no evidence of sexual assault have been found at the time of medical examination. The petitioner is in custody since 07.10.2021 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the consensual nature of act of the informant in entering into sexual relationship with the petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipatti in connection with G.R. No. 1101 of 2020 arising out of Bisfi (Aunsi) P.S. Case No. 396 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

