

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7950 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- MAHILA P.S. District- Banka

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Ashwani Kumar @ Sanni Kumar Son of Late Anil Prasad Singh Resident of
Village- Manjhgany, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Praunati Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 493, 376 and 413 of IPC in
connection with Banka Mahila P.S. Case No. 10 of 2021.

The allegation against the accused/petitioner to have
committed rape upon the daughter of the informant on the false
pretext of marriage.

Accused/petitioner is named in the FIR and in custody
since 27.07.2021.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case and it
has been submitted that there is inordinate and unexplained



delay of more than a year in lodging the FIR. Learned counsel for petitioner further submits that from perusal of the FIR it can not be said that the accused/petitioner has under intention to deny the marriage from very inception of the promise. While arguing over the matter, it has further been submitted that the charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. It is further submitted that the petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer for bail conceded that there is nothing on its face, which may suggest that accused/petitioner was under intention of cheating from very inception of promise for marriage

Considering the facts and submissions as made above, there is inordinate and unexplained delay of more than one year in lodging of FIR, coupled with the fact that there is nothing which may suggest *prima facie* that petitioner was under intention to deviate from promise of marriage from very inception, let the petitioner, above named, is directed to be released on bail in connection with Banka Mahila P.S. Case No.10 of 2021 on furnishing bail bound of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned CJM, Banka, subject to the condition that one of the bailors shall be the close relative of the accused petitioner like father / mother / daughter / son / sister / brother.

(Chandra Shekhar Jha, J)

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