

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11070 of 2022**

Arising Out of PS. Case No.-105 Year-2021 Thana- HASANGANJ District- Katihar

Prem Sharma @ Prem Kumar Sharma @ Chhotu Sharma S/o Lakari Sharma
@ Laxmi Sharma Resident of Village- Satara, P.S.- Pranpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Hasanganj
P.S. Case No. 105 of 2021 registered for the offence under Sections
323, 341, 376, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.12.2021.

The allegation against the petitioner is to commit rape
upon informant/victim on false pretext of marriage.

Learned counsel appearing on behalf of the petitioner
submitted that admittedly, the victim was in love affairs with
petitioner for long 4 years and implication was made only for the
reason that marriage could not be negotiated between the parties for



certain unexplained reasons. It is also submitted that victim was major at the time of occurrence having full knowledge about the consequences of such relations. It is also submitted that medical report is not supporting allegation, as raised through F.I.R. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as admittedly, victim/informant have in love affairs, as per her statement recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 05.12.2021, let the petitioner, above named, is directed to be released on bail in connection with Hasanganj P.S. Case No. 105 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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