

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12999 of 2022

Arising Out of PS. Case No.-57 Year-2020 Thana- MAHILA P.S. District- Nalanda

Ashutosh Son of Ramanand Choudhary Resident of Village- Chimanapar,
P.s.- Lalganj, Distt.- Vaishali.

... .. Petitioner

Versus

The state of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ravi Bhardwaj, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 03-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila Police Station Nalanda P.S. Case No. 57 of 2020 lodged
under Sections 376 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that
allegation under Section 376 of I.P.C. is not true but from the
F.I.R. itself it transpires that it is not the case of rape rather it is
a case of consensual sexual relation. Informant and accused both
are major and they repeatedly used to met on different occasion
by virtue of developing their contact on Facebook. The
petitioner is in custody since 18.11.2021, chargesheet has



already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that whatsoever be the condition the Court shall impose, petitioner is ready to fulfill the same. Learned counsel for the petitioner further submits that in the statement recorded under section 164 Cr.P.C. the informant has categorically mentioned that they came in contact on the Facebook, became friends and started meeting to each other and whenever the occasion arise they used to maintain physical relation.

Learned counsel for the State opposes the prayer for bail and submits that the bail should be rejected.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nalanda at Bihar Sharif in connection with Mahila Police Station Nalanda, P.S. Case No. 57 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates



without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond in violation of this condition prosecution shall be at liberty to move for cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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