

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30744 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- RAMPUR District- Gaya

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Pintu Kumar, S/o Mundrika Yadav @ Munarik Yadav, R/o village- Achhawan,
P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 03-01-2022 The applicant/accused in Crime No. 18 of 2020 registered with Rampur Police Station for the offence punishable under Section 376 of the Indian Penal Code at the instance of first informant Shalni Kumari, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that the alleged victim of the crime in question is a major girl and the prosecution case is reflecting consensual sex between two adult persons.

The learned Additional Public Prosecutor opposed the application by contending that at the time of physical relations between the first informant and the applicant, the first informant was a minor girl and therefore, the applicant is not entitled for bail.

I have considered the submissions so advanced and also perused the material placed before me including the FIR and the case diary.



The prosecutrix has stated in her FIR that she became friend of the applicant/accused through the Facebook friend request. It is revealed from the FIR that the acquaintance between them has taken a shape of love relation. The prosecutrix averred that on the pretext of marrying her, the applicant had committed sexual intercourse with her on several occasions from November, 2018 but ultimately on 18.01.2020 he declined to marry her.

In her statement to the Magistrate, the victim has stated her age as 20 years whereas in her medical examination, the Medical Officer opined that she is 19 years old.

The investigation of the crime in question is already over. The charge sheet has been filed. Considering the nature of the evidence against the applicant/accused, his further pretrial detention is not warranted and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 18 of 2020 registered with Rampur Police Station for the offence punishable under Section 376 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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