

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23906 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S District- West Champaran

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Ramu Kumar Chaudhary @ RAMU KUMAR S/o Sudhan Chaudhary
Resident of Village- Piprahiya, P.S.- Nawalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-11-2022 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 P.S. Case No. 11 of 2021 lodged under Sections 420,
376, 323, 504 of the I.P.C.

As per the prosecution case, the petitioner used to
visit the house of the victim, since last one and a half year and
she was subject to sexual exploitation, on a false promise of
marriage. When the matter was exposed, a *panchayati* was held.
In the *panchayati*, the petitioner gave an undertaking to give up
the relation. But that would not continue and his relation
continued further. On the day of the incident it is alleged that the
petitioner went to her rental resident at Bettiah and raped her.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that at the time of filing the F.I.R., the age of both the petitioner was 20 yrs and at the time of alleged sexual relation, the petitioner was aged about 18 and a half years. Learned counsel further submits that for the purpose of marriage, the alleged victim became major in the eye of law but for the purpose of marriage, the petitioner was not matured because he had not completed his age of marriage. Learned counsel further submits that on page 15 of bail petition, an undertaking written on non judicial stamp paper is there, in which statement was made from the petitioner that he will not develop his relation with the alleged victim furthermore. Learned counsel further submits that the present occurrence was alleged to taken place on 15.04.2021. F.I.R. has been lodged on 15.04.2021 and distance between the place of occurrence and police station is about 27 km. According to the learned counsel for the petitioner it is not possible to travel to and fro journey, which is about 52 km in the said small span of time. He further submits that petitioner is innocent and he is in custody since 14.12.2021 having clean antecedent.

Learned counsel for the State opposes the prayer for bail and submits that the alleged victim has narrated the entire story under section 164 of Cr.P.C. before the Trial Court and

Trial Court sent a sealed envelope, in which section 164 statement is there and the alleged victim had made allegation of rape against the petitioner.

Learned counsel for the State also submits that the date of birth of the victim as per metric certificate is 17.06.1999, meaning thereby, her age was about 22 years.

Upon further query, whether charge has framed or not, learned counsel for the petitioner submits that charge has not framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. Liberty is hereby granted to the petitioner that he may renew his petition for bail 6 months from the date of framing of charge. Trial Court is hereby directed to release the petitioner on bail putting on its own conditions, so he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

Office is directed to return the original copy of 164 statement safely to the Court concerned.

(Dr. Anshuman, J.)

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