

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38911 of 2021

Arising Out of PS. Case No.-62 Year-2018 Thana- MAHILA P.S. District- Sheikhpura

CHHOTE KUMAR @ CHOTE KUMAR Son of Vishwanath Mahto Resident
of Village - Ghat Kusumbha, Sheikhpura, P.S.- Korma, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari Daughter of Vijay Mahto R/o village - Sujawalpur, P.S.-
Korma, P.O.- Dih Kushumbha, Distt.- Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Rajpati, Advocate
For the Informant	:	Mr.Irshad, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 11-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 376, 504, 506 and
34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 31.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that one night the petitioner came to her house
and raper her while she was sleeping on the roof and gave Rs.
100 and assured that he will marry her after Shivratri and



thereafter on weekly basis, the petitioner established physical relation on account of which the informant became pregnant and gave birth to a child and when the informant went to the house of the petitioner and asked him to marry her, the petitioner and his family members refused and even abused and assaulted her.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, no such physical relation was ever established nor any child was born out of that relationship. It is further submitted that even presuming what is alleged is true, without admitting for the purpose of bail, the relationship, if any, was consensual between two consenting adults. It is submitted that it absolutely does not stand to reason that as to why the informant became willing to establish physical relation with the petitioner. Learned counsel submits that no prudent person would indulge in such a relationship without marriage, it is further submitted that the entire case has been instituted only to pressurize the petitioner to get married to the informant.

Learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that the informant became pregnant and gave birth to a child but the



child died, it is further submitted that it was on the assurance of the petitioner that physical relation between the two was established.

Learned counsel for the petitioner rebutting the submissions made by the learnt counsel for the informant submits that if the child would have been born then definitely the informant would have given the details that as to when the child was born, but all the necessary details are missing in the F.I.R. which further goes to show that the petitioner has been falsely implicated.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sheikhpura Mahila P.S. Case No. 62 of 2018.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

