

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42122 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

MITHLESH KUMAR CHAUDHARY S/o Mohan Chaudhary @ Mohan Prasad Resident of Village- Akhalaspur, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Parmeshwar Mehta

For the informant : Mr. Rajani Kant Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-04-2022 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Bhabhua Mahila Police Station Case No. 23 of 2021, registered for the offence punishable under Sections 420/376 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioner established sexual relationship with the informant since 2017 on the pretext of marriage. It has been alleged that when the informant insisted the petitioner for marriage, the petitioner did not agree.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to subsequent dispute between the petitioner and the informant inasmuch as from perusal of the First Information Report, it would be evident that the informant was married from before and from perusal of her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973, it would be further evident that the informant developed love with the petitioner, entered into marriage alliance and established physical relationship with the petitioner. He, thus, submits that there was consensual relationship between the petitioner and the informant and from the materials on record, it appears that at no point of time, the petitioner established physical relationship with the informant against her will.

On the other hand, learned Counsel for the informant submits that the trial is at the advance stage and out of six witnesses, three have already been examined and only three witnesses are yet to be examined.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that the informant was married from before and had entered into relationship with the petitioner in the year 2017, which continued for a fairly long period of time, I



am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Kaimur, at Bhabhua, in connection with Bhabhua Mahila Police Station Case No. 23 of 2021.

This is subject to the condition that the petitioner shall fully co-operate in the trial and he shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court, on two consecutive occasions, his bail bond shall be liable to be cancelled by the learned Trial Court itself.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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