

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32518 of 2022

Arising Out of PS. Case No.-817 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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GAURAV KUMAR Son of Sri Shashi Bhushan Ray Resident of Village -
Kanchan Nagar, Ram Bagh, PO. - Ramana, P.s.- Mithanpura, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar @ Ravindra Kr Rai

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 376, 504 and other allied sections
of the Indian Penal Code.

As per allegation this petitioner initially injected the
informant and thereafter forcibly established physical relationship
with her by intoxicating her and continued the said relationship for
some years owing to that informant conceived and thereafter
petitioner made the informant suffer to miscarriage and also
threatened her of dire consequences.

The main submissions advanced by Sri Ravindra Kumar
@ Ravindra Kr Rai, the learned counsel appearing for the petitioner



are that the present case was lodged after filing of defamation suit by the petitioner against the informant of this case and the allegations made in the FIR are totally false, in fact, informant extorted Rs 55,000/- from the petitioner and also filed a false affidavit with regard to giving information about her marital status and alleged occurrence of rape is said to have taken place in the year 2018.

Sri B.N. Pandey, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as relevant documents submitted along with this petition as annexures 1, 2 and 3. The FIR goes to show that the petitioner and the informant worked together in SBI, Gola Road, Branch and the informant accepted her friendship with this petitioner since 2017 and as per above submission the instant case was lodged by her after filing of defamation suit by the petitioner. As per allegation the alleged forcible physical relationship was firstly established with the informant by this petitioner in the year 2018 but the informant remained silent for a long period and filed instant case in the year 2021 and the said long silence at her behalf in initiating criminal proceeding against the petitioner also goes in favour of the petitioner.

Considering these facts as well as above submissions, petitioner's custody period, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Muzaffarpur Nagar P.S Case No. 817 of 2021.

(Shailendra Singh, J)

s.hassan/-

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