

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43360 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- MAHILA P.S. District- Banka

CHHOTU PRASAD SINGH Son of Badru Prasad Singh @ Ashok Singh
Resident of Village - Babhankorama, P.S.- Rajoun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2022 Heard learned counsel for the petitioner and Smt. Rina Sinha, learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Banka Mahila P.S. Case No. 13 of 2021 instituted for the offences under Sections 493 and 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 05.04.2021, is a person with clean antecedent and charge-sheet has been submitted in this case.

The informant alleges that she was married with one Jyotish Prasad Singh and this petitioner took her to Delhi and stayed with her for one and half year and established sexual relation thereafter left her near her matrimonial home.



Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant was married with Jyotish Prasad Singh and on her own free will had accompanied the petitioner to Delhi and stayed there with him and established physical relation and thereafter the present case came to be instituted alleging that the petitioner left her.

Learned counsel for the petitioner submits that since informant was married from before, as such, she was aware that she cannot married the second time with this petitioner. It is also submitted that the informant in her statement under 164 Cr.P.C. has also accepted that she voluntarily left with for Delhi apart from other fact and the informant is 30 years old and the petitioner is a young boy of 20 years and was completely misguided by the informant in his prime youth.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 05.04.2021, charge-sheet has been submitted in this case and petitioner is a person with clean antecedent and the informant voluntarily accompanied him to Delhi let the petitioner above named be released on bail on furnishing bail



bond of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka/successor Court, Banka in connection with Banka Mahila P.S. Case No. 13 of 2021.

(Satyavrat Verma, J)

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