

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46902 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

DEEPAK KUMAR SINGH S/o Jawahar Singh R/o village- Ragho Majhauri,
P.S.- Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. KAJAL KUMARI D/o Nand Kishore Tiwari R/o village- Kanhara Hardas,
P.S.- Bochaha, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.II, Advocate.
Mr. Raki Alam, Advocate.
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection
with Bochahan P.S. Case No. 74 of 2021, for the offence
punishable under Section 376 and 511 of Indian Penal Code.

The prosecution case, in brief, is that one Kajal
Kumari who is the informant of the present case has made
allegation against the petitioner that he had entered into her
house after breaking the door and tried to commit rape with
her.



Learned counsel appearing on behalf of the petitioner submits that a compromise petition has been filed between the parties and the informant is not willing to pursue with the case against the petitioner who has willingly accepted to marry with her. In this regard, petitioner has made specific submission in Para-8 and 9 of the bail application.

Considering the development which has taken place during the pendency of the case that the parties are willing to enter into matrimonial relationship and their parents are also willing to accept the same, without going into merits of the case, the learned trial Court is directed to record the statement of the victim girl, if already not recorded, as well as the statement of the parents of the victim and the petitioner as well as the other necessary witnesses and shall pass a fresh order in accordance with law without being prejudiced by the earlier order dated 16.07.2021. The said exercise be done within a period of three months.

If the Court below is, prima facie, satisfied to release the petitioner on bail, the petitioner, above named be released provisionally on such terms and conditions as the court below may deem fit and proper and if the court below finds the conduct of the parties satisfactory, the provisional bail of the



petitioner shall be confirmed after any period as fixed by the court below.

Accordingly, with the above observation and direction, the present petition is disposed of.

(Purnendu Singh, J)

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