

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.38827 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- LAURIA District- West Champaran

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Amit Giri S/o Praduman Giri R/o Village - Bijbania, P.S.- Chanpatiya  
(Sirisiya O.P.), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate  
For the State : Ms.Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
ORAL ORDER

3      14-11-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Lauriya  
P.S. Case No. 80 of 2022 registered for the offence under  
Sections 376 and 420 of the Indian Penal Code and 67 of IT Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 26.03.2022.

The allegation against the petitioner is to commit rape  
upon informant/victim on false pretext of marriage.

Learned counsel appearing on behalf of the petitioner



submitted that informant/victim was major and aged about 24 year at the time of occurrence and also victim was an educated lady, knowing all the consequences of the relations, which was alleged. It is submitted that physical relation with petitioner was established under consent and was not a rape and due to developed circumstances, when marriage with the petitioner could not materialize, false allegation of rape was raised against this petitioner. It is further submitted that by taking note of statement of victim itself as recorded under Section 164 of the Cr.P.C., it appears that petitioner was ready for marriage but it was family members, who caused failed to get it materialize. It is further submitted that allegation of taking photos of private moment is completely false and baseless, as no supporting material surfaced during the course of investigation. Learned counsel while traveling over the argument, relied upon the report of Hon'ble Supreme Court, as reported in the matter of **“Uday Vs. State of Karnataka (2003) 4 SCC 46”** and also on **“Deepak Gulati Vs. State of Haryana (2013) 7 SCC 675”**. While concluding the argument, it is submitted that medical report is also not supporting allegations of rape and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

Learned APP, while opposing the prayer of bail submitted that physical relation was established by this petitioner on false pretext of marriage, which is amounting to rape.

In view of the facts and circumstances as mentioned above, as victim/informant herself stated, while recording her statement under Section 164 of the Cr.P.C., that petitioner was ready for the marriage and it was the family members, who failed to get it materialize, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lauriya P.S. Case No. 80 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1<sup>st</sup>, Bettiah, West Champaran/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(ii) That one of the bailors shall  
be deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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