

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41358 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- SHAHKUND District- Bhagalpur

Dev Prakash Son Of Chakardhar Singh @ Chakardhar Mehta R/O Village-
Kamalpur, P.S.- Sajour (Shahkund), District- Bhagalpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with

Sahkund (Sajour) P.S Case No. 337 of 2021 registered for the

offences punishable under Sections 376, 323 and 506/34 of the

Indian Penal Code.

As per the prosecution, the informant in her fardbeyan

has alleged that this petitioner had established physical relation

regularly with her since June 2015 on the pretext of marrying

her and when the informant told the story to the petitioner's

family and pressurized for marriage then his brother-in-law



Awadesh Singh offered Rs. 15 lakhs to compromise the matter and threatened to kill the informant (victim). Suddenly, on the alleged date this petitioner was married to another girl and when the informant reached the house of this petitioner then the accused Chakardhar Singh assaulted the informant and threatened her not to make any complaint. Further it is alleged that on 10.12.2021 the matter was taken before the Panchayat thereafter one Mithilesh Singh offered Rs. 10 lakhs to compromise the matter which the informant had denied.

The main submissions advanced by learned counsel Mr. Chandrasekhar Sharma for the petitioner are that as per the FIR the alleged sexual relationship between the petitioner and the informant can be deemed to be consensual, the informant is a major girl and some days before the institution of the present case the marriage of the petitioner had taken place and in the instant matter the alleged offence of section 376 is not made out and the petitioner has been languishing in jail for the last six months and there is no evidence to show that the petitioner made a false promise with the informant to marry her.

Learned APP Mr. Jagdhar Prasad appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the



victim's statement recorded under section 164 Cr.P.C. filed as Annexure-2. The victim is stated to be 26 years old as per her statement recorded under section 164 Cr.P.C. in which she herself disclosed her age. As per the FIR the petitioner had been making sexual relationship with the informant since June 2015 though as per the informant the petitioner established the said relationship with her by giving a false assurance to marry her, but one thing is quite clear from the FIR that the informant remained silent for a long period of time regarding the alleged sexual relationship with the petitioner and admittedly she was a major girl at the relevant period when the said relationship was established. Considering these facts and petitioner's clean antecedent and his custody period, in the opinion of this court the petitioner deserves to a lenient approach of this court, 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 A.C.J.M -II, Bhagalpur in connection with Sahkund (Sajour) P.S Case No. 337 of 2021.

(Shailendra Singh, J.)

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