

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43499 of 2022

Arising Out of PS. Case No.-85 Year-2019 Thana- MAHILA P.S. District- Nalanda

Mukul Kumar S/o Pawan Singh Resident of Harnaut Gonawan Road, North
to Road in west of Crossing, P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 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 the
learned APP for the State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 85 of 2019 registered for the offences
punishable under Sections 376, 323, 504, 506 313 and 34 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

As per the prosecution, the informant has alleged that
this petitioner established physical relationship with the
informant on pretext of marriage. Further it is alleged that this
petitioner repeatedly established physical relationship with the



informant and got her pregnant which was forcibly aborted and this petitioner and his family members demanded dowry of Rs.10 lacs and also this petitioner recorded intimate videos and pictures of the informant and threatened her to show them to her parents.

The main submissions advanced by the learned counsel Mr. Anil Kumar Singh for the petitioner are that the petitioner has been languishing in jail since 23.05.2022 and the informant disclosed her age as 22 years in the FIR while in the statement recorded under Section 164 Cr.P.C. she revealed her age as 20 years and in this case the offence of Section 376 of IPC is not made out against the petitioner as the informant has accepted her matrimonial relationship with this petitioner.

Learned APP Mr. Raj Kishor Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the informant's statement recorded under Section 164 Cr.P.C. filed as Annexure-2. The statement of the informant recorded by Judicial Magistrate goes to show that the petitioner had been establishing sexual relation with her since 2014 and on two occasions she had conceived, though as per her allegation the petitioner established the said relation on the pretext to marry



her but one thing is quite clear that the victim who is a major girl remained silent for a long period in respect of the alleged sexual relationship and the said fact goes in favour of the petitioner. Considering these facts as well as the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in connection with Mahila P.S. Case No. 85 of 2019.

(Shailendra Singh, J.)

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