

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45357 of 2022**

Arising Out of PS. Case No.-73 Year-2022 Thana- BENIPATTI District- Madhubani

Mukesh Sah @ Mahesh Kumar Sah Son Of Late Sarbam Sah @ Sarovar Sah  
R/O Village- Samda, P.S.- Benipatti, Distt.- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                         |
|--------------------------|---|-----------------------------------------|
| For the Petitioner/s     | : | Mr. Gagan Deo Yadav<br>Mr. Ravi Prakash |
| For the Opposite Party/s | : | Mr. A.G                                 |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      06-12-2022                      Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in registered for the offence punishable under Sections 323, 376/34 and other allied sections of the Indian Penal Code.

It is alleged that on the false pretext of marriage, petitioner established physical relation with the informant and threatened to upload the indecent photographs on Facebook.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is next submitted that from bear perusal of the FIR it is apparent that both the informant and this petitioner were in love affairs and for years they lived as husband and wife and the same cannot be said to be involuntary or induced. As



such, no offence is made under Section 376 of the Indian Penal Code against the petitioner. Petitioner has got clean antecedent.

However, learned counsel for the State opposes the prayer for bail application submitting that in the statement recorded under Section 164 of Cr.P.C., victim has supported the prosecution case and has specifically stated that petitioner has established physical relation on the false pretext of marriage.

Considering the aforesaid facts, prayer for bail of the petitioner is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

**(Prabhat Kumar Singh, J)**

Navya/-

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