

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45537 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- MAHILA PS District- Gaya

Sunil Kumar Son Of Ramkrit Prasad R/O Village- Noni, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-11-2022 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.25 of 2022 registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code, Section 6 of POCSO Act and Sections 3 and 4 of Dowry Prohibition Act.

As per the prosecution, the informant alleged that this petitioner regularly established physical relationship on pretext of marrying her for three years. Thereafter, this petitioner and his family members refused to the marriage and demanded



dowry of Rs. 5 lacs and also this petitioner threatened the victim of uploading her videos and pictures on internet.

The main submissions advanced by the learned counsel Mr. Priya Ranjan appearing for the petitioner are that the allegation of physical relationship as alleged as well as other allegation concerned to the demand of money were made against the petitioner with an intention to pressurize petitioner's family to get marry the informant with this petitioner and admittedly the petitioner is a relative of the informant. Further submission is that the informant was medically examined by the doctor concerned who did not find any sign of rape and according to medical expert's opinion informant's age was assessed to be 19 years and the petitioner who has clean antecedent has been languishing in jail since 07.04.2022.

Learned counsel Mr. Vinod Kumar appearing for the informant as well as learned APP Mr. Choubey Jawahar appearing for the State has vehemently opposed the bail prayer and submitted that the informant was a minor when the petitioner firstly established sexual relationship with her on the pretext to marry her and moreover in the medical report of the informant it was opined by the doctor concerned that rape cannot be denied.



Having regard to the facts and circumstances of this case and considering the above submissions and mainly the petitioner's young age and his clean antecedent and also the fact that admittedly informant who is stated to be the victim of the present matter remained in relationship with this petitioner for a long period of time, though as per the FIR she can be deemed to be a minor girl at the initial time of the said relationship but one thing is quite clear that she remained mum for a long period of time and did not make any resistance and the said circumstances go in favour of the petitioner, 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.25 of 2022.

(Shailendra Singh, J.)

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