

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47001 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

Kumar Satyam, Son of Yogesh Kumar R/V- T.N.B. Collage Staff Quarter No.
2, P.S- University, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Bhagalpur Mahila P.S. Case No. 23 of 2022 registered for the alleged offences under Sections 376, 313/34 of the Indian Penal Code.

As per prosecution case, the informant developed friendship with the petitioner and with the consent of both families, she got engaged with the petitioner. The petitioner established physical relationship with the informant and she became pregnant twice, but her pregnancy was aborted by the petitioner and his family members forcibly by administering her



medicine. However, later on, the petitioner and her family members refused to solemnize marriage with the informant. Still, the petitioner continued his meeting with the informant and establishing sexual relationship with her giving her allurements of marriage. Later on, his marriage was fixed with some other girl.

Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned senior counsel further submits that from the F.I.R., it is very much clear that it was a relationship between two consenting adults and there is no question of rape. Learned senior counsel further submits that there is no medical evidence on record to show that the pregnancy of the informant was terminated by the petitioner or other co-accused persons. Learned senior counsel further submits that the informant was already married in year 2016 and she has not divorced her first husband. So, it falsifies the whole allegation made in the F.I.R. Learned senior counsel further submits that though the F.I.R. has been lodged against five persons including the family members of the petitioner, but after investigation police submitted charge sheet only against the petitioner and did not send up other co-accused persons for facing trial. The petitioner is in custody since 04.06.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.



Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the petitioner and considering the voluntary act of the informant and further considering his period of custody along with the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 23 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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