

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49650 of 2022

Arising Out of PS. Case No.-577 Year-2021 Thana- KAHALGAON District- Bhagalpur

Gautam Bharti @ Gautam Kumar Bharti, Male, aged about 30 years, S/O Kishori Sharma, Resident of village- Madhopur Karhar, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs. Pallavi Pandey, Advocate
For the inforsmant	:	Mr. Harish Chandra Patel, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defect (s), as pointed out by the office, within a period of four weeks.

The petitioner seeks bail in connection with Sessions Trial No. 300 of 2022, arising out of Kahalgaon P.S. Case No. 577 of 2021 registered for the offence under Section 376 of the I.P.C.

The prosecution case, in brief, is that on pretext of



marriage the petitioner established physical relationship with the victim from the year 2011 to 2015.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.02.2022. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. On pretext of marriage, the petitioner and the victim established physical relationship. However, due to one reason or the other, marriage could not be solemnized. Hence, the present case has been lodged. It is further submitted that the said physical relationship was consensual relationship. Hence, no offence under Section 376 of the I.P.C. is attracted in the present case. Learned counsel for the petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sonar-Versus-The State of Maharashtra and Ors); reported in 2019 SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand) reported in 2020 SCC OnLine SC 779.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Sessions Trial No. 300 of 2022, arising out of Kahalgaon P.S. Case No. 577 of 2021.

(Sudhir Singh, J)

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