

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51410 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA PS District- East Champaran

SHIVAM KUMAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-12-2022 The matter has been taken-up through video conferencing.

Heard learned counsel for the petitioner and learned A.P.P for the State.

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

The petitioner seeks bail in connection with a case registered for the offences punishable under Sections 420, 376, 313 of the Indian Penal Code.

Allegation is of against the petitioner (Shivam Kumar), who committed rape upon the informant, student of KCTC College, on false promise of marriage and when she became pregnant the petitioner gave her medicine and terminated her



pregnancy and when she asked him to perform marriage, he abused her and threatened to kill her by acid, if she file a case.

Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. On the perusal of the F.I.R., it appears that there is no allegation of committing rape against the petitioner. It is submitted that the petitioner has never terminated the pregnancy of the informant, and there is no medical report on record to substantiate the allegation and the same appears to have been super added with a view to make the allegation graver. It is further submitted that the informant herself stated that she is student of college and Medical Board has also assessed her age to be 19 years and the case has also not been registered under POCSO Act, thus she is a major girl. It is further submitted that if it is presumed that the prosecution case is true, no case of rape is made out against the petitioner, it is also submitted that the allegation is of breach of promise against the petitioner, nothing else. Further, it is submitted that the petitioner is in custody since 23.06.2022, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.



Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Mahila P.S. Case No. 39 of 2022.

(Khatim Reza, J)

Sankalp/-

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