

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68020 of 2021**

Arising Out of PS. Case No.-395 Year-2021 Thana- PATRAKARNAGAR District- Patna

LAVKUSH KUMAR Son of Ramji Prasad Resident of Village - Patel Nagar,  
P.S.- Shashtri Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Arun Kumar Mandal, Advocate |
| For the Opposite Party/s | : | Mr.Kalyan Shankar, APP         |
| For the Informant        | : | Mr.Vinod Pandey, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      25-04-2022                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 313, 493 and 406 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 26.07.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that during course of work she became friends with the petitioner and on assurance of the petitioner that he will marry her, they indulged in physical relationship and on account



of which she became pregnant but the petitioner got her pregnancy aborted, further the petitioner indulged in physical relation lastly on 11.04.2021 and thereafter, stopped picking her phone calls.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that whatever happened between the petitioner and the informant lastly happened on 11.04.2021, thereafter, the present F.I.R. came to be instituted after a delay of more than three months without any plausible explanation. Learned counsel submits that from perusal of the allegation it would manifest that whatever happened, happened between two consenting adults and when the relationship soured, the present false case came to be instituted. It is further submitted that though in the F.I.R. allegation is of rape, but the same is only an exaggerated version of the occurrence.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and the learned counsel for the informant submits that the petitioner entered into physical relationship with the informant after giving false promise of marriage but is not able to meet the submission of the learned counsel for the petitioner



that whatever happened happened between two consenting adults.

Considering the fact that the petitioner is in custody since 26.07.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent, there was an inordinate delay in instituting the F.I.R. without any plausible explanation and taking into consideration the submissions advanced by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patrakar Nagar P.S. Case No. 395 of 2021.

**(Satyavrat Verma, J)**

Rishi/-

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