

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68057 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- MAHILA P.S. District- Nalanda

MONU KUMAR Son of Sidheshwar Ravidas Resident of Mohlla- Habibpura,
P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sarita Kumari W/o Ajay Kumar Resident of Mohalle- Chhoti Pahari near
Kushwaha Dharmshala, P.S.- Sohsarai, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Prasad, Advocate
For the Opposite Party/s	:	Mr.Md. Aslam Ansari, APP
For the Informant	:	Mr.Sudama Kumar, 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.

Learned counsel for the petitioner, at the outset,
submits that by order dated 20.04.2022, the learned counsel for
the informant had sought time for producing the photograph as
recorded in the said order.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 341, 323, 379, 506,
498A and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.07.2021, 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 she was married to Ajay Kumar and had three children from the wedlock, further her husband Ajay had gone to Hyderabad for earning and had asked his cousin brother (petitioner) to look after his family, further the informant and petitioner developed physical intimacy and both married. It is further alleged that after marriage, the petitioner wanted her to earn illegally, which was objected by the informant, further alleges that the petitioner along with his two friends raped her and the informant informed the Mahila P.S. on which the petitioner assured not to commit such an act in future but again on 23.04.2021, petitioner raped her and snatched Rs.5,000/-.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that it absolutely does not stand to reason that had the informant been raped by the petitioner and two of his friends, then the police would not have taken the F.I.R. as is being alleged in the present F.I.R. Learned counsel also submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that in absence of her husband, the informant developed intimacy with the petitioner and thereafter they established physical relation and the informant claimed that she



even married, though the petitioner never married the informant as she was wife of his elder brother.

Learned counsel for the petitioner submits that on the last occasion i.e., on 20.04.2022, the learned counsel for the informant had sought time for producing photograph, which the informant alleges that the petitioner had captured during the intimate moments and sent to her husband but today the photographs have not been produced.

Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for bail of the petitioner and learned counsel for the informant submits that though he has sought time on 20.04.2022 for producing the photograph but based on instruction, it is submitted that photographs are now no more with the informant as it stood deleted. Learned counsel submits that the petitioner was trying to push the informant towards prostitution, which was being objected on account of which she was raped.

Learned counsel for the petitioner rebuts the submissions made by the learned counsel for the informant and submits that since no photographs were ever captured by the petitioner as such now the informant is taking a plea that the photographs stood deleted and as far as allegation of rape is



concerned, the same is also falsified from the fact that in the F.I.R. itself it is alleged that the petitioner developed intimate relation with the informant and it is thus submitted that both were adults and whatever happened, happened between two consenting adults.

Considering the fact that the petitioner is in custody since 23.07.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and taking into consideration the submissions made 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 Mahila P.S. Case No. 70 of 2021.

(Satyavrat Verma, J)

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