

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56304 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA P.S. District- Bhojpur

Rahul Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md. Ataul Haque, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      24-12-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

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

The petitioner seeks regular bail in connection with  
Mahila P.S. Case No. 36 of 2022 lodged under Sections 341,  
323, 504, 506 and 376 of the I.P.C.

As per the prosecution case, the informant has  
disclosed that the son of *Nanad* of her *Bua* has committed rape  
with a view to solemnization of marriage with her. It has also  
been disclosed that on 04.05.2022, he forcefully took the  
informant to visit to her house. A *Panchayati* was taken place  
for marriage but the family of the accused were not ready,  
thereafter, the informant visited to the *Mahila* Police Station and

then the F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner and the informant both were major. The said relation was developed not by force rather with the consent. In this regard, the counsel for the petitioner submits that the alleged occurrence took place on 17.04.2022 but the present F.I.R. has been filed after lapse of about 25 days i.e. on 07.05.2022. Counsel submits that the informant's side had put pressure upon his family member for marriage for which petitioner's sides are not ready, due to which the present case has been filed.

Learned counsel further submits that the antecedent of the petitioner is clean and he is in custody since 20.05.2022. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the informant has disclosed her statement under Section 164 of Cr.P.C. that rape by force has been made with her.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but liberty is hereby granted to the petitioner that after framing of charge, he may renew his prayer for bail.

The Trial Court is directed to release the petitioner on bail thereafter, imposing its own conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

**(Dr. Anshuman, J.)**

sadique/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|