

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70253 of 2021**

Arising Out of PS. Case No.-403 Year-2021 Thana- PURNEA SADAR District- Purnia

Sunil Kumar Son of Devendra Prasad Singh R/o village - Kali Mandir Bilaria,
P.S.-Sadar Muffasil, District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Kumar Praveen, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP-213
For the Informant	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned senior counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sadar Muffasil P.S. Case No. 403 of 2021 registered for the offence under Section 376 of the Indian Penal Code and Sections 67(B) and 66(E) of the I.T. Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 15.08.2021.

The allegation against the petitioner is to commit rape upon the informant/victim.

Learned senior counsel, Mr. N.K. Agrawal appearing on behalf of the petitioner submitted that present case arises out of failed love affair, as marriage could not negotiated for certain reasons. It is submitted that from bare perusal of statement of the victim recorded u/s 164 of the Cr.P.C., it appears that the physical relations established on several occasions was forgiven by her. While travelling over the argument, learned senior counsel relied upon the decision of the Apex Court in the case of ***Pramod Suryabhan Pawar vs. The State of Maharashtra and Another reported in 2019 (4) PLJR SC 71***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Deepak Kumar, appearing on behalf of the informant, while opposing the prayer of bail, submitted that victim supported the allegation of rape against the petitioner.

In view of the facts and circumstances, as mentioned



above, as the relation between petitioner and victim appears consensual on its face coupled with the fact that chargesheet has been submitted, where petitioner is in custody since 15.08.2021, let the petitioner, above named, is directed to be released on bail in connection with Sadar Muffasil P.S. Case No. 403 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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