

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71315 of 2021

Arising Out of PS. Case No.-308 Year-2021 Thana- GARDANIBAG District- Patna

Sonu Kumar, S/o Late Vijay Prasad, R/o Shivpuri, Chitkohra, P.O. and P.S. -
Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gardanibagh P.S. Case No. 308 of 2021 registered for the alleged offences under Sections 376, 313, 379/34 of the Indian Penal Code.

The prosecution case is that the petitioner established physical relationship with the informant on pretext of solemnizing marriage with her. Later on, he tried to poison the informant and also took away his jewellery worth Rs. 2,50,000/-.



The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. In fact, the petitioner is himself a victim in the hands of the informant. The informant was already married twice and her first husband committed suicide and she has matrimonial dispute with her second husband for which she has registered an FIR with similar allegation against her second husband as well vide Gardanibagh P.S. Case No. 57 of 2015. The FIR has been filed with due deliberation as for an occurrence of 22.07.2021, the FIR has been registered only on 25.08.2021. If the informant was already married, so her claim for establishing sexual relationship on pretext of marriage by the petitioner is falsified. The informant is nothing, but a blackmailer and she wants to grab the property of the petitioner. It is also very much clear that no offence under Section 376 IPC is made out as nothing was done against the will of the informant. There is no medical evidence to support either poisoning or the abortion of the informant by the petitioner or her co-accused mother. None of the witnesses during investigation supported the case of the prosecution except the sister and brother-in-law of the informant. The petitioner is in custody since 26.08.2021 and his mother has been enlarged on bail by a coordinate Bench of this



Court vide order dated 21.06.2022 passed in Cr. Misc. No. 3512 of 2022.

Learned APP opposes the prayer for bail submitting that the petitioner committed rape and also tried to abort the pregnancy of the informant. He also took away her jewellery.

Having regard to the submissions made hereinabove and considering the antecedent of the informant wherein she has lodged a case on similar lines earlier and further considering the conduct of the informant during the whole period and taking into account the period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIV, Patna in connection with Gardanibagh P.S. Case No. 308 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the



bail bond of the petitioner will be liable to be
cancelled by the court concerned.

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(Arun Kumar Jha, J)

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