

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1427 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- DAUDNAGAR District- Aurangabad

GAUTAM KUMAR @ VIJAY KUMAR SON OF CHHOTE DOM @
CHHOTELAL RAM R/O VILLAGE- SANDA, P.S.- KUTUMBA, DIST.-
AURANGABAD (BIHAR), AT PRESENT RESIDING AT PATEL NAGAR,
WARD NO. 26, JHOPARPATI, P.S.- DAUDNAGAR, DIST.-
AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 376 and 420 of the Indian Penal
Code.

The informant alleges that the petitioner has
established physical relation with her on the pretext of
marriage and later on, the petitioner refused to get marry
with her.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the petitioner and the victim was having love affairs between them and on account of that they have been willingly intimated with each other. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has admitted that she had been in love affairs with the petitioner, therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner as their relationship between them are consensual and that too the victim happens to be a major girl. The petitioner is rotting in judicial custody since 04.08.2021.

On the other hand, learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the victim in her statement has clearly admitted that the petitioner has lured her by making false promise to perform marriage with her and established physical relation with her. He further submits that according to the victim the petitioner has refused to get marry with the victim. He further submits that it is apparent from the paragraph-51 of the case diary that the allegation of establishing physical relation with the victim is proved by the medical examination. He further submits that the act of



the petitioner appears to be a gross example of cheating and defaming the social status of an unmarried girl. Therefore, the petitioner may not be enlarge on bail.

Considering the facts and circumstances of the case and the intention of the petitioner as well as the allegation levelled in the F.I.R., this Court does not incline to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected at this stage.

(Rajesh Kumar Verma, J)

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