

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3888 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- KALYANPUR District- Samastipur

PRIYANSHU KUMAR S/O RAJ KUMAR ROY @ RAJU RAI Resident of
Village- Kalyanpur, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for regular bail has been filed
by the petitioner registered for the offence punishable under
Sections 341, 323, 447, 376 of the Indian Penal Code.

As per allegation in the FIR, petitioner entered into
the room of the informant at about 3:00 am and committed rape
upon her. On hulla being raised, her brother came there and
caught hold the petitioner and handed him over to the police.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Statement of the victim girl was recorded u/s 164
Cr.P.C. wherein she has clearly stated that due to pressure by her
family members and brother, she had lodged this false case
against the petitioner. She also stated that she was in love with



the petitioner and both were in talking term for the last two years. She has disclosed that she had established physical relationship with her own consent. There is consensual relation between the petitioner and the informant. Petitioner has not applied any force upon the informant. Petitioner is languishing in judicial custody since 11.10.2022.

Learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail and submitted that victim has supported the prosecution case in her statement recorded u/s 161 Cr.P.C.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur in connection with Kalyanpur P.S. Case No. 317 of 2022.

(Sunil Kumar Panwar, J)

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