

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6771 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- MATIYARIA District- West Champaran

BHARTENDU KUMAR S/O SRI SURENDRA MAHTO R/o village-
Belsandi, P.S.- Gaunaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Matiyaria PS case no. 102 of 2021 instituted for the offences punishable under Section 376 of the Indian Penal Code.

The informant has alleged that the petitioner used to establish physical relationship with her on the pretext of marriage since couple of years, however, subsequently, he refused to marry her.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having clean antecedent and is languishing in custody since 17.11.2021. The learned counsel for the petitioner



has further submitted that the informant is a mature lady aged about 25 years, who is able to understand the repercussions and therefore, it cannot be said that the incident in question had taken place without her consent. It is also submitted that the informant has never conceived, therefore the factum of the petitioner establishing physical relationship with the informant, also becomes doubtful.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the informant is mature enough to understand and exercise her discretion and the incident in question, at best, appears to be consensual in nature, I do not find any reason for keeping the petitioner behind bars, who is suffering incarceration since more than a year, hence, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-IV, West Champaran at Bettiah in
connection with Matiyaria PS case no. of 102 of 2021.

(Mohit Kumar Shah, J)

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