

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9554 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- DANAPUR District- Patna

MAHENDRA KUMAR Son of Binod Pandit @ Binod Kumar Resident of
Village - Gabhtal, P.s.- Danapur, Dist.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar Ray, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-01-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Danapur P.S. Case No. 322 of 2021 for the offence registered
under Section 376(D) of the Indian Penal Code.

The allegation is regarding the petitioner having
enticed the informant, whereupon the informant is stated to have
fallen in love with the petitioner since the year 2008 and then
they had established sexual relationship inasmuch as the
petitioner is stated to have promised that he will marry the
informant. It is also alleged that one of the relatives of the
petitioner had also sexually exploited the informant. Lastly, it is
the allegation of the informant that the petitioner had refused to
marry her and was demanding a sum of Rs.5,00,000/-(Five



Lacs) by way of dowry in order to marry her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 11.08.2021. The learned counsel for the petitioner has further submitted that the allegations levelled against the petitioner are false and have been concocted only with a view to coerce the petitioner into marrying the informant by blackmailing him. It is also submitted that no materials have transpired during the course of investigation to show the complicity of the petitioner in the alleged occurrence.

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

I have heard the learned counsel for the parties, have gone through the materials on record and have perused the case diary of the present case from which it is apparent that not a single independent witness has turned up so as to support the allegation levelled by the informant apart from the fact that the hotel in question, where the informant is alleged to have been taken by the petitioner for establishing sexual relation, was also visited by the police, however, no records were found regarding the petitioner and the informant having stayed in the said hotel.



This Court finds from a bare perusal of the materials available in the case diary that minuscule evidence is available qua the petitioner herein so as to connect him with the alleged occurrence, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I, Patna in connection with Danapur P.S. Case No. 322 of 2021 (G.R. No. 1445 of 2021).

(Mohit Kumar Shah, J)

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