

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10732 of 2023

Arising Out of PS. Case No.-231 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

SUMAN KUMAR Son of Late Yogendra Prasad Sah R/O Kamal Nagar Colony, Mohaddi Nagar, P.S.- Babarganj (Mojahidpur), Dist.- Bhagalpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Kumari Wife of Amit Kumar D/o Sri Ramjatan Pandit, R/O- Choudhary Tola (Kumhar Toli) Kahalgaon, Dist.- Bhagalpur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishal Vikram Rana, Adv.
For the Opposite Party/s	:	Mr.Braj Kishore Pd., APP. Mr. Md. Fazle Karim, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 498(A), 376 of the Indian Penal Code.

Allegedly, petitioner is said to have sexually exploited the informant for two months and when petitioner got two children from informant, he left her and took away the elder son with him.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely



implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the charge-sheet has been submitted in this case and cognizance has also been taken against the petitioner under Section 498A of the Indian Penal Code. The section 498A of the Indian Penal Code does not attract against the petitioner. Petitioner never got married with the informant. Informant is already a married lady and she did not get divorce from her first husband. Petitioner is Wing Commander in Air Force. He further submits that the informant was living with petitioner in live-in-relationship. This is not a case of forceful conjugation. Petitioner is taking care of the elder son whereas the younger son has been living with the informant. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to pay Rs. 20,000/- to the Opposite Party No.2, out of which Rs. 10,000/- must be send in account of his minor son for his further education.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within



a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mojahidpur P.S. Case No. 231 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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