

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12127 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- KALYANPUR District- Samastipur

RAKESH KUMAR S/O LATE JAI KISHUN SAH Resident of Village-
Belsandi, P.S.- Chakmehi, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Tiwari

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 376, 312, 313, 323,
493 and 420 of the Indian Penal Code.

As per allegation in the FIR, on the pretext of
marriage, petitioner had established physical relationship with
the complainant as a result of which she became pregnant.

It is submitted by learned counsel for the petitioner
that petitioner has falsely been implicated in this case.
Complainant was a consenting party and petitioner had
established consensual physical relationship with her. After
investigation, police has submitted chargesheet and as such the
learned magistrate vide order dated 17.11.2022 took cognizance



for the offence u/s 498A and 494 IPC.. Once the marriage was solemnized between the parties, the question of commission of rape does not arise. In para 9 of the petition, it is submitted that still petitioner is ready to keep the complainant as wife with full honour and dignity. Petitioner has got no criminal antecedent and languishing in judicial custody since 27.09.2022.

The application for bail is opposed by learned APP for the State.

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 PS Case No. 58 of 2022.

(Sunil Kumar Panwar, J)

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