

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16804 of 2023**

Arising Out of PS. Case No.-91 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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DHARMARAJ SHARMA @ JHALLU SHARMA @ JHALLU Son of Vijay
Sharma R/V- Tonawa P.S- Bhairoganj Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Tapeshwar Sharma

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 24-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case
registered for the offence punishable under sections 376, 341,
323, 504,34 of the Indian Penal Code and Section IT Act.

3. As per allegation in the FIR, on the pretext of
marriage, petitioner had established physical relationship with
the informant in a hotel and recorded the video. When the
informant approached to petitioner's family, they abused and
insulted her. It is further alleged that petitioner has made the
video viral on social media.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has



committed no offence. There was love affair between the petitioner and the informant followed by consensual physical relationship. It is submitted by learned counsel for the petitioner that informant has performed marriage with another person and she is residing in Nepal. Informant is a matured lady of more than 30 years and she was completely aware with her act and able to understand the for and cons of her relationship with the petitioner. Besides these facts, informant is sister in law of petitioner's maternal sister and the marriage of a girl from the family, in which the girl from bride side is married, comes under the prohibited relation, so there is no question of informant's marriage with the petitioner. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 30.11.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. 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 SDJM,



Bagaha, West Champaran in connection with Mahila Bagaha
P.S. Case No. 91 of 2022.

(Sunil Kumar Panwar, J)

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