

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19397 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Banshidhar @ Banshi Sharma @ Banshidhar Kumar Son Of Krishna Nandan
Kumar Resident Of Village- Parham, Ps- Nayaramnagar (SOFIYABAD O.P.)
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratnakar Ambastha, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Nayaramnagar P.S. Case No. 147 of 2022 registered on 07.08.2022 for the alleged offences under Sections 341, 323, 376, 313, 504, 506, 509 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner developed acquaintance with the informant, a married lady with two children and brought her to his house and started living with her. He forcibly established physical relationship with her a number of times and snatched his ornaments. When the informant became pregnant, the petitioner got her aborted. There is further



allegation against other co-accused persons for trying to kill the children of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the allegations are completely false and frivolous. The petitioner and informant are co-villagers and the informant took a friendly loan of Rs. 50,000/- from the petitioner with promise to return the same within six months and when the petitioner started demanding the money, she started threatening him with false implication. Informant has also cheated and blackmailed her landlord and, thereafter, instituted Nayaramnagar P.S. Case No. 347 of 2021 saying that she had paid Rs. 7,50,000/- for purchase of the land of accused persons of the said case. The informant is a blackmailer and she lodged the present FIR with false and frivolous allegation. Even from the facts of the FIR, it is apparent that the informant is a consenting party and during investigation no independent witnesses supported the prosecution case. The allegation that she was living with the petitioner stands contradicted by another FIR filed by the informant which was instituted against her landlord showing that she was residing at Sandalpur in the house of the accused person of the said case. The petitioner is in custody since



14.12.2022 and charge-sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently opposes the prayer for bail made on behalf of the petitioner. Learned counsel for the informant submits that petitioner forcibly established sexual relationship with the informant and also got the pregnancy of the informant aborted.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the consensual nature of relationship between the petitioner and the informant as is apparent from the FIR and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Munger/court concerned in connection with Nayaramnagar P.S. Case No. 147 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

U		T	
---	--	---	--

