

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20823 of 2023

Arising Out of PS. Case No.-510 Year-2022 Thana- KOTWALI District- Munger

Biru Kumar Son Of Late Brij Nandan Prasad Resident Of Mohalla -
Maksuspur, Near Pani Tanki, P.S. - Kasim Bazar, Distt. - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Najmul Hodda Mr. A.M. Khan, Adv. Mr. Binay Kumar, Adv.
For the Opposite Party/s :	Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner instituted for the offence punishable under
Sections 420, 376 of the Indian Penal Code.

As per allegation in the FIR, informant is fighting
divorce case bearing Divorce Case No. 148 of 2022 with her
husband Deepak Kumar. Her elder sister has already expired.
Informant is living at her parental house and after the death of
her elder sister, her brother-in-law (petitioner) came to her room
and established physical relationship on the pretext of marriage
and later on he refused to marry her.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. Victim is a major lady. Only with a view to put pressure upon the petitioner for marriage, he has been falsely implicated in this case on the basis of fabricated story. Informant's marriage was not dissolved till the date of occurrence, so there is no question of remarriage with the petitioner. There is no medical report to support the prosecution story. Without any evidence, this case has no legs. Petitioner is languishing in judicial custody since 21.12.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

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 Chief Judicial Magistrate, Munger in connection with Kotwali PS Case No. 510 of 2022.

(Sunil Kumar Panwar, J)

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