

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20511 of 2023**

Arising Out of PS. Case No.-11 Year-2022 Thana- ANTICHAK District- Bhagalpur

Bhikhan Sah Son of Suresh Sah R/V- Nawada, P.S- Antichak, Dist- Bhagalpur

... .. Petitioner/s

Versus

1.The State of Bihar

2. Nutan Kumari, D/o- Upendra Mandal, Village-Nawada, P.S.-Antichak,
District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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

4 09-10-2023 Heard learned counsel for the petitioner and learned
APP for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 323, 376, 493, 506/34 of the Indian Penal Code.

As per FIR, on pretext of marriage, petitioner had established physical relation with the victim/informant resulting into her pregnancy. It is further alleged that petitioner has later on refused to marry her and in connivance with the other accused persons also assaulted her by lathi-danda.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to enmity,



grudge and village politics. He has not committed rape with the victim. The victim is major and according to prosecution case it seems that victim has consensual physical relationship with the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 04.03.2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that according to prosecution case, the petitioner had established physical relation with the victim.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Antichak P.S. Case No.11 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I, Bhagalpur.

(Sunil Kumar Panwar, J)

lata/-

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

