

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30639 of 2023**

Arising Out of PS. Case No.-691 Year-2018 Thana- LAKHISARAI District- Lakhisarai

Nitish Kumar Son of Nawal Saw R/o Mohalla- Naya Bazar, Dalpatti, R.Lal College Road, P.O. and PS- Lakhisarai Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Digamber Kr. Singh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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

4      18-10-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 376, 504, 506/34 of the Indian Penal Code.

As per FIR, on pretext of marriage, petitioner had established physical relation with the victim/informant. It is further alleged that later on petitioner and his family members also abused her and refused to marry her.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim is aged about 19 years as stated in her statement recorded U/s 164 of Cr.P.C. She has stated that the petitioner had established physical relation with her on the pretext of marriage but it appears from the statement of



the victim that both the parties are in consensual physical relationship since last one year. The victim has also denied for conducting the medical examination as mentioned in para 28 of the case diary. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. During investigation vide para 43 and 44 of the case diary, some independent witnesses have also not supported the prosecution case. It is further submitted that the petitioner has suo motu surrendered in the court on 11.11.2022 and since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Lakhisarai P.S. Case No. 691 of 2018 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st-cum-Special Judge, SC/ST, Lakhisarai.

**(Sunil Kumar Panwar, J)**

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