

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22189 of 2022

Arising Out of PS. Case No.-339 Year-2021 Thana- AMAS District- Gaya

BIKKU SHARMA @ BIKKU KUMAR SHARMA SON OF LATE
PRAKASH SHARMA @ PRAKASH MISTRI R/O VILLAGE- SARAVAK,
P.S.- RAFIGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Amas P.S. Case No. 339 of 2021, registered for the offences punishable under Sections 420, 376 and 34 of the Indian Penal Code and 67 of the I.T. Act.

It is alleged by the informant that the petitioner had developed intimacy with the informant and he used to take her around in an auto and subsequently on the pretext of solemnizing marriage, he had established physical relationship with her.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 12.01.2021. The learned counsel for the petitioner has further submitted that the informant is major and she had voluntarily developed intimacy and physical relationship with the petitioner and now she is alleging that on the pretext of marriage the petitioner had established physical relationship with her, however, her medical report would go to show that there is no recent sign of intercourse, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that both the petitioner and the informant are



adults, who are capable of exercising their independent prudent mind as to what is right and what is wrong, the present case can be said to be a case of consensual physical relation having been established in-between the parties, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 12.01.2022, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Amas P.S. Case No. 339 of 2021.

(Mohit Kumar Shah, J)

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