

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22540 of 2023

Arising Out of PS. Case No.-132 Year-2021 Thana- GORIAKOTHI District- Siwan

GUTUL KUMAR @ BUTUL KUMAR Son Of Shivnath Rawat @ Shivnath
Mushar R/O Village- Chhitauli Kala, P.S.- Goreakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Goreakothi P.S. Case No. 132 of 2021, dated 02.08.2021
registered for the offences punishable under Sections 363 and
366(A) of the Indian Penal Code.

3. The main submissions advanced by petitioner's
counsel are that the petitioner has been languishing in jail since
25.12.2022 having fair and clean antecedent and the so-called
victim is aged about 18 to 20 years as per her medical report
and she has recorded her statements under Sections 161 and 164
of Cr.P.C. and in view of the facts as stated by her, the alleged
offence of Section 363 of I.P.C. is not made out in this case and
before the Judicial Magistrate she stated that she solemnized



marriage with this petitioner and is residing along with him. Further submission is that as per FIR the alleged occurrence took place on 28.06.2021 but the FIR was lodged on 02.08.2021.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly the facts revealed by the victim in her statement recorded before the Judicial Magistrate under Section 164 of Cr.P.C. as discussed in the order impugned which goes against the allegation levelled in the FIR and the petitioner has fair and clean antecedent and against him the investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Goreakothi P.S. Case No. 132 of 2021.

(Shailendra Singh, J.)

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