

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34440 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- PANDAUL District- Madhubani

Luv Singh @ Luv Kumar Singh Son of Manoj Kumar Singh @ Manoj Singh
Resident of Village- Mathila, P.S.- Koransarai, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Sharma, APP
For the Complainant :	Mr. Subhash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr. Manoj Kumar Pandey, learned counsel
for the petitioner, Mr. Subhash Kumar Jha, learned counsel
appearing on behalf of the complainant as well as Mr. Sanjay
Kumar Sharma, learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with C.R. No. 332 of 2022, dated 26.04.2022 for the
offences punishable under Section 493 of the Indian Penal
Code.

3. According to prosecution case, this petitioner
committed rape upon the complainant on the pretext of marriage
and he fled away from there with all her belongings.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. He further submits that for the same set of allegation the father of the complainant has filed Pandaul P.S. Case No. 43 of 2022 under Sections 363 and 366 of the Indian Penal Code and the police after investigation submitted the charge sheet stating the mistaken of facts. He further submits that in Pandaul P.S. Case No. 43 of 2022 the statement of the victim who is the complainant in the present case has been recorded in which she has categorically stated that she has gone to Delhi with her own sweet will and no one has committed anything wrong with her and she wants to marry the petitioner. He further submits that after the 161 statement, she has filed the present complaint petition on 26.04.2022 alleging therein that the petitioner has committed rape upon her.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate 1st Class, Madhubani, District- Madhubani in connection with C.R. No. 332 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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