

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33762 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

RANVEER SHARMA Son of Late Santosh Sharma Resident of S.K.P.
Vidyalaya, Mandroja, P.S. - Tatarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 341, 323, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner was running a consultancy firm. As the financial condition of the informant was not good, she joined the petitioner's firm. After some days, the petitioner started to misbehave with her. Thereafter he proposed to marry her. After some time he started to assault her and on the informant asking him to marry, he would torture her. The informant states that she was misled on the pretext of marriage. He established physical relations with her and used to disclose himself in the locality as the informant's



husband.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case which would be evident from the fact that the informant is himself a married lady having lodged a case against her husband as would be evident from the order dated 8.2.2016 (Annexure-2) passed in Case no.1002(c) of 2015 by the learned A.C.J.M.-III, Munger. Further, the informant is habitual of filing false cases which would be evident from another case/FIR lodged by her on 28.7.2018 which is Annexure-3 to the petition. Learned counsel submits that besides there being no medical report to substantiate the allegations of rape nor any medical examination in terms of section 53A or section 164A of the Cr.P.C. It is further submitted that in view of the judgments of the Supreme Court the allegations even if accepted at their face value would not constitute an offence under section 376 of the Indian Penal Code. The petitioner has no criminal antecedent and is in custody since 1.4.2022.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner in the FIR together with the statement of victim under section 164



Cr.P.C. wherein she has supported the prosecution case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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