

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35576 of 2023

Arising Out of PS. Case No.-724 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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SHIVA NAND MISHRA S/O SANJEEV NAND MISHRA R/O
Village/Muhalla- Raiser (Basudevpur), P.S- Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shewata Kumari D/O Late Mahesh Mandal R/O Village/Muhalla- Shadipur,
P.S- Kotwali, Distt.- Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-07-2023 Heard Mr. Sanjiv Kumar Singh, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 724 C of 2022 wherein cognizance
has been taken under Section 376 of the Indian Penal Code.

3. From the narration of the complaint, it appears that
the complainant had come in contact with the petitioner in the
year 2017 and thereafter the petitioner on the pretext of
solemnization of marriage has established physical relationship
which continued till the petitioner refused to solemnize the
marriage in the year 2022. It is further alleged that the petitioner



also made some obscene video and threatened the complainant with dire consequences which resulted into delay in filing of the complaint case.

4. Learned counsel appearing on behalf of the petitioner submits that the complainant is a major and there was a consensual relationship between the petitioner and the complainant and when the petitioner refused to solemnize the marriage, only in order to pressurize him this compliant case has been filed. He next submits that admittedly the complainant had been in physical relationship for about 3-4 years and she also accompanied the petitioner wherever the petitioner used to go, but she never made any objection. He has further drawn the attention of this Court to Annexure-2 wherein father of one Ankit Rai had filed an inforamatory petition before the S.D.M., Araria in connection with immoral activities of the complainant. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the trial.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the complainant is a major and there was a long consensual



relationship between the parties, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Complaint Case No. 724 C of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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