

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40147 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- GURARU District- Gaya

RAJESH KUMAR Son of Surendra Prasad Singh @ Surendra Prasad
Resident of Village - Bhikhanpur Dhewai, P.S.- Mehandia, District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpa Kumari Daughter of Ajay Kumar Singh Resident of Village and Post
- Konchi, P.S.- Guraru, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Prithivi Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the Informant and perused the case diary.

The petitioner is in custody in a case registered for the offence punishable under Sections 365 and 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape with the informant at the instance of solemnizing of marriage.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that on the intervention of the well-wishers of both the families, both the parties reached in the amicably settlement of the dispute between them and an agreement to that effect was also signed by the father of



the petitioner and the father of the informant on 22.11.2021. He further submits that the petitioner is in the Army and he is ready to marry with the informant, but she has refused to marry with the petitioner and instituted the present false case for illegal gain. It is pointed out here that the father of the informant has already received Rs. 4,50,000/- which was alleged to have been given by the father of the informant as gift. He further submits that the victim/informant has not whispered about the rape in her statement recorded under Section 164 of the Cr.P.C. Petitioner is in judicial custody since 30.10.2021.

Learned APP appearing for the State has opposed the prayer for regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner 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 Shri Y.K. Shukla, Judicial Magistrate, Ist Class, Gaya/concerned Court in connection with G.R. No. 514 of 2021 arising out of Guraru P.S. Case No. 146 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

U		T	
---	--	---	--

