

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.41630 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- LAKHNAUR District- Madhubani

Chandan Singh @ Chandan Son Of Late Siyaram Singh Resident Of Village -
Katmakhore, P.S. - Lakhnaur, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate

For the Informant/s : Mr. Arvind Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 11-09-2023 Heard Mr. Mukesh Kumar Thakur ,learned counsel
appearing on behalf of the petitioner, Mr. Arvind Kumar,
learned counsel appearing on behalf of the informant and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.03.2023 in connection with Lakhnaur (R.S.O.P) P.S. Case
No. 233 of 2022, F.I.R. dated 07.11.2022 for the offences
punishable under Sections 341, 323, 504, 506, 376, 420, 34 of
the Indian Penal Code.

3. According to prosecution case, the petitioner is
alleged to have committed sexual offence with the informant on
false promise of marriage.

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 F.I.R., is false and fabricated and he has committed no offence. He further submits that that the statement of the victim was recorded under Section 164 of the Cr.P.C. and it appears from the statement that the petitioner and the victim was in a live-in relationship with the consent of the parents of the victim and she was major at the time of the alleged occurrence. He further submits that when the petitioner has refused to perform the marry with the victim, the present F.I.R. was instituted against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.03.2023.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that if the petitioner intend to marry the victim, only then the petitioner may grant prayer of anticipatory bail.

6. Considering the aforesaid facts and circumstances as well as statement of the victim, which was recorded under Section 164 of the Cr.P.C., let the petitioner, above named, 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 Additional Chief Judicial Magistrate –



Ist, Jhanjharpur, in connection with Lakhnaur (R.S.O.P) P.S.
Case No. 233 of 2022, subject to the 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)

Aditi

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

