

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42764 of 2022

Arising Out of PS. Case No.-251 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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RUPESH KUMAR PANDEY Son of Rush Pandey @ Ashwani Pandey
Resident of village- Bariaria (Purb Tola), P.S- Sangrampur, Dist- Easch
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar,Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh,Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Govindganj P.S. Case No.251 of 2020, registered for the offences punishable under Sections 341, 376, 420, 504, 506, 323, 34 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that the petitioner had forcibly established physical relationship with the petitioner in the year 2019, and thereafter, a love affair had developed in between the petitioner and the informant and on the pretext of marriage, the petitioner used to sexually exploit



the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.02.2022. The learned counsel for the petitioner has further submitted that the informant is a major and the occurrence in question, is purely consensual in nature, hence, the petitioner is not having any complicity in the matter. It is also submitted that the informant, in her statement made under Section 164 Cr.P.C. before the learned Magistrate, has also admitted to their being an affair in between the petitioner and the informant and has also stated that only because the petitioner had refused to marry her, the present case has been filed. It is next submitted that there is no material available on record to suggest the complicity of the petitioner in the alleged crime.

Per contra, the learned APP for the State



has vehemently opposed the prayer for bail, but has stated that the maternal grandfather and the mother of the victim lady have denied the alleged occurrence to have ever taken place, as would be apparent from paragraph 27 and 139 of the case diary.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record prima facie, this Court finds that the occurrence in question, if any, is purely consensual in nature and the informant being major had a love affair with the petitioner, however, the relationship went sour once the petitioner refused to marry her, apart from the fact that minuscule evidence is available in the case diary, so as to connect the petitioner with the alleged crime, hence I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner



is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Motihari, District-East Champaran in connection with Govindganj P.S. Case No.251 of 2020.

(Mohit Kumar Shah, J)

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