

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43630 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Bihari Kumar Sah, Son of Late Manoj Sah, Resident of Mohalla- Pethiya
Gachhi, Ward No. 19, P.S.- Samastipur (Town), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 187 of 2023 dated 20.04.2023
registered for the offences punishable under Sections 448, 354-
B and 376 of the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and from the nature of the allegations made in
the FIR the essential ingredients of the alleged offence of
Section 376 of the Indian Penal Code are lacking in the present
matter as the victim was consented party to the alleged sexual
relation and the FIR was lodged by her merely to create pressure
upon the petitioner to marry her and moreover the petitioner



has been languishing in jail since 22.04.2023 and he himself has become victim of the circumstances and he is the only bread earner of his widow mother.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having regard to the facts and circumstances of this case and considering the above submissions and mainly the facts that the victim is a major girl and she remained silent for a considerable period in respect of the physical relationship which was allegedly established by this petitioner with her, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Dalsinghsarai P.S. Case No. 187 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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