

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44049 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- NARPATGANJ District- Araria

DEEPAK KUMAR MANDAL S/O RAMANAND MANDAL R/O
VILLAGE- GARHA, WARD NO. 12 PS. JOGBANI, DIST. ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under section 376 of the Indian Penal Code and sections 66(c) and 67(A) of the I.T. Act.

3. As per allegation in the FIR, on the pretext of providing job, petitioner had established physical relationship with the informant in absence of her husband and recorded the video. It is further alleged that petitioner has made the video viral on social media.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. This is a case of extra marital affair and both the parties are in consensual physical relationship since last



two years. It is submitted by learned counsel for the petitioner that place of occurrence is joint family house of the informant, which is highly unbelievable. Informant is a matured and married lady with eight years old child and she was completely aware about her act and able to understand the pros and cons of her relationship with the petitioner, so this case does not come under the purview of Section 376 IPC. Besides these facts, informant has never resisted the visit of the petitioner in her house. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 28.02.2023.

5. The application for bail is opposed by learned APP for the State.

6. 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Narpatganj P.S. Case No. 61 of 2023.

(Sunil Kumar Panwar, J)

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