

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52742 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- MAHILA PS District- Gaya

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SONU KUMAR SON OF DEO KUMAR PASWAN RESIDENT OF
VILLAGE - MOBARAKPUR, P.S. - PARAIYA, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is an accused in connection with Mahila P.S. Case No. 29 of 2023 registered for the offences under sections 376 and 493 of the Indian Penal Code lodged on 15.04.2023 by the informant, Anisha Kumari.

As per the prosecution story, the allegation is that the informant and the petitioner were in touch with each other since last 1 ½ years and on 12.04.2023, she went to meet him at Tekari where in a room, she alleged that on the pretext of marriage, he made physical relationship which continued upto three days and when she requested him to solemnize the marriage, he refused and escaped. She dialed 112 and whereafter the FIR.

It is the case of the petitioner that a love affair has



been turned into an accusation of rape case simply because he wanted to pursue study and marry at a later stage.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is allegation of making physical relationship.

Taking into account the submissions put forward by the learned Counsel for the petitioner, the FIR is on record, the informant alleges that she was in conversation with the accused boy for 1 ½ years, the petitioner is in custody since 16.04.2022 (as stated in paragraph 10 of the bail application), is a student, 20 years old, do not have criminal antecedent, FIR lodged and will ultimately face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned S.D.J.M. Sadar, Gaya in connection with Mahila P.S. Case No. 29 of 2023, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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