

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51168 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- MAHILA P.S. District- Patna

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Pankaj Kumar Shrivastava Son Of Upendra Kumar Shrivastava Resident Of
Flat No. 304, Vinod Kunj, Priyadarshi Nagar, Bhagwat Nagar, P.S-
Agamkuan, Dist- Patna Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv Mr. Vikash Kumar Pankaj, Advocate Mr. Pratush Kr. Advocate
For the Opposite Party/s :		Mr. Chanchal Goyal, Advocate
For the Informant	:	Mr. Jharkhandi Updhyay, APP Mr. Roy Saurabh Nath, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with Patna
Mahila Thana P.S. Case No. 96 of 2021 registered for the
offence under Section 376 of the Indian Penal Code.

The petitioner is in custody since 31.05.2022 and



he is in government service.

Two consenting adults entered into a relationship. Subsequently, it is alleged that the boy went back from his promise of marriage and therefore this present case of rape has been registered against the petitioner by the informant.

Learned Sr. Counsel for the petitioner has relied upon a judgment of the Supreme Court in the case of ***Sonu @ Subhash Kumar vs State of Uttar Pradesh*** reported in ***2021 (3) BLJ, S.C. 171.***

Both the parties are major and had relationship with consent for a period of long time and *prima-facie*, this Court is of the opinion that no case of rape is made out.

In view of the aforesaid circumstances, this application for regular bail is allowed.

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 Judicial Magistrate 1st Class, Patna in connection with Patna Mahila Thana P.S. Case No. 96 of 2021.

The aforesaid findings are made only for the purposes of grant of bail to the petitioner and these findings shall not be treated as final finding during the course of trial. If



the case goes to trial, it is for the Trial Court to examine the evidences and thereafter come to a finding whether any criminal case is made out against the petitioner or not.

(Sandeep Kumar, J)

Shishir/Vikas

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