

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53734 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- RUDRAPUR District- Madhubani

SHANKAR KUMAR MUKHIYA @ SHANKAR MUKHIYA Son of Badri Mukhiya Resident of village - Harari Tol, Usharar, P.s. - Rudrapur, distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Suneil Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner, learned counsel appearing for the informant and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 02.05.2023 in connection with Rudrapur P.S. Case No. 102 of 2022, F.I.R. dated 14.06.2022 for the offences punishable under Sections 420, 376, 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleges that petitioner on the pretext of marriage sexually assaulted her and demanded Rs. 10,00,000/- in dowry for marrying her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case and the allegation as alleged is false and fabricated and from bare perusal of the FIR the petitioner has sexually assaulted the informant in the pretext of marriage and thereafter the father of the co-accused has demanded Rs. 10 lakhs for the marriage purposes. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and no such occurrence has taken place and the relation between the petitioner and the informant was with consent of both the parties and they were in love affair. He further submits that the informant/victim was major and due to her own free will she had made relationship with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.05.2023.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that her statement was recorded under 164 of Cr.P.C in which she has fully supported the case of the prosecution but fairly submits that it appears from the statement under 164 of Cr.P.C that she has made physical relation with the petitioner on her own free will.



6. Considering the aforesaid facts and circumstances, 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 A.C.J.M. II Jhunjharpur, District Madhubani in connection with Rudrapur P.S. Case No. 102 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Adnan/-

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