

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56219 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- MAHILA P.S. District- Saran

Kapil Kumar S/O- Late Ram Vilas Yadav Village- Baldiha Ps- Jay Nagar
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-11-2023 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376, 420 of the Indian Penal Code.

It is alleged against the petitioner that on the promise to provide job, he sexually exploited the informant and continued the same for years, as a result of which, she became pregnant and gave birth of a female child but soon thereafter, he started misbehaving with the informant and refused to live with her. Hence, the F.I.R.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The informant herself has filed two complaints against her husband claiming that she had delivered a female child from her marriage with her husband and finally she was ousted from her matrimonial house due to non-fulfillment of dowry demand. The complaint petitions are annexed as Annexure-P/2 series. The informant is a mature lady and in her 164 Cr.P.C statement, she admitted love and affection with the petitioner, hence, at best the relationship between the petitioner and the informant might be a consensual one. Moreover, both sides have compromised the issue. The petitioner is languishing in custody since 15.05.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf



of the State have vehemently opposed the prayer for bail of the petitioner though they admit that both sides have compromised the issue.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Mahila P.S. Case No. 31 of 2023.

(Sunil Kumar Panwar, J)

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