

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58892 of 2023**

Arising Out of PS. Case No.-190 Year-2023 Thana- PURNIA COMPLAINT CASE District-  
Purnia

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Sujeet Kumar Mandal Son Of Nikhil Kumar Mandal Resident Of Village-  
Fulwaria, Colony, Ps- Kasba, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Milan Devi Wife Of Vikash Mandal Resident Of Village- Kanwa Para, Ps-  
Kasba, Dist- Purnea

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      11-10-2023                      Heard Mr. Ajit Kumar Singh, learned counsel  
  
appearing on behalf of the petitioner and Mr. Ram Bilash Roy  
  
Raman, learned Additional Public Prosecutor for the State. The  
  
opposite party no. 2 is represented by Mr. Arvind Kumar,  
  
learned counsel.

2. The petitioner apprehends his arrest in connection  
  
with C.A. No. 190 of 2023 wherein cognizance has been taken  
  
under Sections 323, 352, 354, 384, 386, 376, 504, 506, 509 of  
  
the Indian Penal Code.

3. It is alleged that in the year 2019 the complainant  
  
and the petitioner jointly entered into an agreement and both of  
  
them got acquainted with each other. After that, the petitioner



used to come to the house of the complainant and on 10.08.2019 the petitioner committed rape upon her. It is further alleged that the petitioner was doing business in Bangalore and the complainant lives with her husband in Delhi, but whenever the petitioner comes to Delhi he used to make physical relationship with her. It is further alleged that the petitioner has also made some videos of the intimate incident and on the basis of which he used to blackmail and exploit her.

4. Learned counsel appearing on behalf of the petitioner submits that the occurrence of alleged rape has taken place in the year 2019 and to be more specific on 10.08.2019 but the present complaint case has been instituted on 25.01.2023. Further in the entire complaint, improbable story has been levelled which makes the entire case doubtful. However, the fact of the case is that both the petitioner and the complainant had purchased a piece of land from one Bimla Devi on 17.03.2019 and the land which was given to the petitioner had road from two sides whereas the complainant's land was after the petitioner's land and due to that the complainant requested the petitioner to change the plots but on refusal being made by the petitioner, the present complaint has been filed. He next submits that even if the allegation has taken to be



true, admittedly, both the parties are major one and, *prima facie*, it appears to be consensual. He lastly submits that the petitioner undertakes that he would not indulge in any act of threatening to the complainant and intimidating the witness and will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the opposite party no. 2 and the State oppose the bail application and submit that from the complaint it is evident that she was subjected to physical relationship on the threat of making obscene video viral and apart from that the petitioner was indulged in giving threatening to the life of the children and the husband of the complainant, due to which she succumbed to the pressure of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in filing of the complaint, as firstly the occurrence took place on 10.08.2019 but the complaint has been instituted on 25.01.2023, apart from that the petitioner bears fair antecedent and his undertaking that he would not indulge in threatening to the complainant and intimidating the witness, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with C.A. No. 190 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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