

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57988 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- MADHEPURA District- Madhepura

Sagar @ Jay Kumar @ Jay Kumar Malik, S/O- Karpuri Malik, R/O- Ward
No. 13 Jagjivan Ashram Madhepura, P.S.- Madhepura, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 328 of 2023 registered on 02.04.2023 for the alleged offences under Sections 376, 420, 406, 504, 506, 323 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner gave allurement to the informant and took Rs. 4,00,000/- on the pretext of arranging a Government job for her. When the informant demanded back her money, the petitioner gave her inducement of marriage and entered into physical relationship and continued his act for five years. Thereafter, he refused to



marry her and threatened that he would make viral the nude video of her.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that no offence is made out against the petitioner either under Sections 420, 406 or 376 of IPC. Learned senior counsel further submits that for an illegal purpose, no contract could be entered and there is no material on record to show the payment of money to the petitioner. The informant willingly entered into some relationship with the petitioner and it was a consensual act on her part. So no offence for rape would be made out against the petitioner. Learned senior counsel further submits that the informant is a married lady having husband, sons, daughter, grandson and grand-daughter and she is aged about 45 years and the petitioner is a young boy aged about 24 years. The present case is fictitious and has been brought to extort money from the petitioner. The petitioner is in custody since 25.05.2023. Petitioner is accused in one case but he is on bail in that case.

5. Learned APP opposes the prayer for bail submitting that the petitioner have committed rape on



inducement of marriage and later on refused to marry the informant. The informant also paid money to the petitioner which was not returned.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the manner of events which unfolded in this case and further considering the fact that the informant is said to be a married lady and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/concerned court in connection with Madhepura P.S. Case No. 328 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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