

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58605 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA PS District- Gaya

Mukesh Kumar, Son Of Umesh Paswan, Village- Bechu Bigha @ Bechu Bigha Jhuri, Ps- Raushanganj (BANKEY Bazar) @ Bankey Bazar, Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gaya Mahila P.S. Case No. 25 of 2023 registered on 11.04.2023 for the alleged offences under Sections 376, 493 and 506 of the Indian Penal Code.

3. As per prosecution case, informant alleged that she had friendship with the petitioner and was in love with him. They established sexual relationship on a number of occasions and the petitioner gave her allurements of marriage. But later on he refused to marry her. The informant further alleged that she became pregnant twice and her pregnancy was aborted by the petitioner giving her medicines.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Informant of the present case had also lodged Raushanganj Bankey Bazar P.S. Case No. 176 of 2017 on 23.11.2017 for the offence punishable under Sections 341, 323, 354(A)(D) and 504 of IPC and Section 12 of the POCSO Act in which the petitioner was acquitted by the learned Exclusive Special Judge (POCSO Act)-cum-7th Additional Sessions Judge, Gaya vide judgment dated 18.12.2021 passed in POCSO Case No. 89 of 2017. Thereafter, the same informant lodged Raushanganj Bankey Bazar P.S. Case No. 158 of 2019 under Sections 454 and 323 of IPC against the petitioner in which he is on bail. Learned counsel further submits that petitioner and the informant came from same neighborhood and from same caste. The informant herself a women of questionable character and she has been doing all the things to get married with the petitioner and to blackmail him in order to grab his property. Learned counsel further submits that if the version of the informant is taken into consideration, it is apparent that she is major and aged about 21 years and if she entered into sexual relationship with the petitioner, it was consensual act on her part. It is not



believable that she became pregnant twice and she continued the relationship on pretext and inducement of marriage by the petitioner. The petitioner is in custody since 12.04.2023 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner is that he sexually exploited the informant on pretext of solemnization of marriage and later on refused to marry the informant.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the past conduct of the informant and also considering her age and continuous relationship with the informant and the petitioner for so many years which effectively rules out rape 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 S.D.J.M., Gaya/concerned court in connection with Gaya Mahila P.S. Case No. 25 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)

balmukund/-

U		T	
---	--	---	--

