

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64308 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- MAHILA PS District- Jehanabad

RATANJAY KUMAR @ RAJESH KUMAR Son of Sri Ramjee Yadav
Resident of village- Dhina Bigha, P.S- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s	:	Mr. Manish Kumar No.13, Advocate Mr. Rohit Kumar, Advocate Ms. Nitu Kumari, Advocate Ms. Priti Kumari, Advocate
For the State	:	Mr. Ajay Kumar No.2, APP
For the informant	:	M/s. Nityanand, Neeraj Kumari, Advocates

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Jehanabad Mahila P.S. Case No. 24 of 2022 dated 06.07.2022 registered for the offence(s) punishable under Section(s) 376 and 420 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

As per the prosecution, the informant (victim) alleged



that this petitioner established sexual relationship with her on false pretext of marriage and also put a condition to pay Rs.10 lacs for marrying her.

The main submissions advanced by the learned counsel for the petitioner are that the petitioner and informant are major persons and both are teachers by profession and as per the facts of the FIR, it is clearly evident that alleged sexual relationship between them was consensual and the said relationship had been running for the past two years before the alleged date of commission of alleged occurrence and the alleged offence of rape is not made out against the petitioner. Further submission is that the petitioner is a teacher by profession and he has been languishing in jail since 07.07.2022. Further, learned counsel for the petitioner has placed reliance upon a judgment of this Court passed in the case of Pankaj Kumar Shrivastava vs. State of Bihar, (Cr. Misc. No.51168 of 2022), reported in 2023(2) BLJ 308 and submitted that the matter of this petitioner is completely covered by the principle laid down by this Court in the said judgment.

Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that the petitioner established sexual relationship with the informant on



the false pretext to marry her but later on his family members denied to marry the informant with this petitioner on account of short height of the informant as well as her dark colour.

In view of the facts, as stated above, and mainly considering the facts that as per the FIR, the petitioner and the informant were major when they established sexual relationship for the first time and admittedly the informant remained in the said relationship with this petitioner for a long period and she is admittedly a government employee, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 Court concerned in connection with Jehanabad Mahila P.S. Case No. 24 of 2022.

(Shailendra Singh, J)

Sanjay/-

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

