

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62181 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- MANIHARI District- Katihar

Sk. Khushnasib @ Sheikh Khushnasib Son Of Sk. Alauddin Residnet Of
Village- Baldiyabari, Ps- Manihari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 376, 323, 341, 342, 452, 504, 506, 34 of the Indian Penal Code.

As per allegation in the FIR, the petitioner had established illegal physical relationship with the victim (informant) after having trapped her in his love and seduced her.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to some ulterior motive. The date of occurrence is 17.10.2022 but case was lodged on 25.10.2022 without explaining the delay. The victim is a married lady and aged about 25 years. From perusal of the



statement of victim recorded U/s 164 of Cr.P.C., it appears that petitioner established physical relation with the victim with consent. This is a case of extra marital affair and both the parties were in consensual physical relationship since three months before the occurrence. No independent witness has supported the allegation against the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is also submitted that petitioner is languishing in judicial custody since 31.05.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Manihari P.S. Case No. 263 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST, Katihar.

(Sunil Kumar Panwar, J)

lata/-

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

