

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65606 of 2022

Arising Out of PS. Case No.-61 Year-2020 Thana- MASHRAK District- Saran

=====

DINESH KUMAR SAH @ DINESH SAH S/O LAL DEO SAH Resident of
village- Khabsi Hathisar Tola, P.S.- Goura, O.P. Mashrak, District- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-03-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 376, 341 and
504 read with section 34 of the Indian Penal Code.

As per the prosecution case, the victim's marriage was
finalized with the petitioner thereafter, the petitioner started
visiting the informant's house and started making physical
relationship with her. Subsequently, the petitioner refused to
marry her and the petitioner and the co-accused persons abused



the mother of the informant.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Charge-sheet has already been submitted against the petitioner so there is no chance of absconding. There is general and omnibus allegation against the petitioner. The petitioner is a major girl and both the parties chose to have sexual relationship without marriage and they were aware of the act. Learned counsel has further submitted that the medical report shows that there is no evidence of recent sexual intercourse. Learned counsel has relied on the judgment of the Hon'ble Supreme Court in the case of **Mandar Deepka Pawar Vs. The State of Maharashtra and Anr.**, in **Cr. App No. 442 of 2022** dated **27.07.2022**. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 01.04.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim in her statement recorded under section 164 of Cr.P.C. has stated that the petitioner has made physical relation with her.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chhapra in connection with Masrakh P.S. Case No. 61 of 2020.

The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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

