

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60124 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- MAHILA PS District- Buxar

Akshay Kumar, S/O Markat Paswan, Resident of Rampur, P.O.- Rampur, P.S.-
Nawa Nagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Mohit Raj, Advocate
		Mr. Shantanu Kumar, Advocate
For the State	:	Mr.Anil Kumar, APP
For the Informant	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned APP for

the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No.47 of 2022 registered for the offence punishable
under Sections 323, 498A, 376, 504 and 34 of the Indian Penal
Code.

The informant has alleged that the petitioner has
allured the informant into the institution of marriage, established
physical relation several times and she has learnt that he is now
planning to solemnize marriage with someone else.

Learned counsel for the petitioner submits that there is



a dichotomy in the allegation wherein the informant alleges the petitioner to be the husband, at the same time, has alleged commission of offence under Section 376 I.P.C. In fact, she is already married to the petitioner's friend and since her own institution of marriage is breaking down, she is trying to clutch on to the petitioner. The relationship of husband and wife is denied by the petitioner. Having no antecedents, the petitioner is stated to be in custody since 05.08.2022.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted that the petitioner is planning to solemnize second marriage while the marriage with the informant is subsisting. Even if the offence under Section 376 I.P.C. is to be ignored, then also offence under Section 498A I.P.C. would be made out.

Considering the rival submissions, nature of allegations, petitioner's clean antecedents, his period of custody and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned
Chief Judicial Magistrate, Buxar, in connection with Mahila P.S.
Case No.47 of 2022, subject to the following conditions:

(i) That one of the bailors will
be a close relative of the petitioner who
will give an affidavit giving genealogy
as to how he is related with the
petitioner. The bailor will also undertake
to inform the court if there is any
change in the address of the petitioner.

(ii) That the petitioner will be
well represented on each date and if he
fails to do so on two consecutive dates,
his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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