

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60189 of 2022

Arising Out of PS. Case No.-292 Year-2022 Thana- RAMNAGAR District- West Champaran

SHEIKH ARMAN @ MD. ARMAN @ S.K. ARMAN Son of Late Sheikh
Rahman R/o Mohalla - Ramnagar, In front of Narainpur Mazar, P.S.-
Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Shailendra Kumar, App

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 14-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Ramnagar P.S. Case No. 292 of 2022, registered for the offences punishable under Section 376 of the Indian Penal Code.

As per allegation, the informant (prosecutrix) was working as Health Friend and she was residing on rent in Jafar Miyan's House. The petitioner was also working as Health Friend. There was some dispute between husband of the prosecutrix and herself and taking advantage, the petitioner developed intimacy with the prosecutrix and at the false pretext of marriage, he had sexual relations with her. On 18.06.2022,



when she was in her house along with her four years daughter, the petitioner came there and forcibly committed rape upon her.

The learned counsel for the petitioner has submitted that the prosecutrix in her further statement has stated herself that there was love and affection between the petitioner and the informant. The wife of the petitioner objected on which the informant assured not to repeat the same thing again. He has submitted further that the statement of the victim shows itself that the relation between the alleged victim and the petitioner was consensual. She has made allegation that the petitioner attempted physical relation on the false pretext of marriage, but she was already a married lady and the petitioner was also a married person. As such, the marriage between the petitioner and the prosecutrix was not possible.

From perusal of re-statement of the victim, it appears that she had love and affection and physical relation between them was consensual. The petitioner is under custody since 13.07.2022.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the victim in her statement under Section 164 of the Code of Criminal Procedure has corroborated earlier version made in the FIR.



Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bagaha West Champaran in connection with Ramnagar P.S. Case No. 292 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

U			
---	--	--	--

