

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70747 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- BARURAJ District- Muzaffarpur

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DILIP KUMAR THAKUR @ DILIP KUMAR SON OF SRI MAHENDRA
THAKUR RESIDENT OF VILLAGE- AHIRALIYA, P.S. BARURAJ,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Baruraj P.S. Case No. 102 of 2023 registered on 12.05.2023
lodged under Sections 341, 323, 312, 354, 376/34 of I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against six named and three unknown accused persons including
the petitioner alleging that the petitioner has developed
friendship with the informant and offered marriage. On the
pretext of marriage, she developed physical relation with the
informant multiple times. When she became pregnant, petitioner



refused to marry her. Thereafter, she went to the house of the petitioner but there also she was thrown out of the house. For this reason, the present case has been filed upon the entire family members of the petitioner and others.

4. Counsel for the petitioner submits that from the content of the F.I.R., it is very much clear that the physical relation was established with the consent of both the parties and no force has been committed on her. It is also crystal clear that this case has been lodged only and only to pressurize the family members of the petitioner to permit there live-in relationship and convert it into marriage. Counsel further submits that in paragraph 14 of the case diary, it is indicated that the school in which she used to teach had disclosed that informant has nine years baby from her earlier wedlock and the present case has been filed with ulterior motive.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 23.06.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that the allegation is there in the F.I.R.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur West in connection with Baruraj P.S. Case No. 102 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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