

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78106 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- MAHILA P.S BAGHA District- West
Champaran

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Rakesh Kumar S/O Pranath Mahato R/O Village- Bhedihari, Tharu Tola, P.O
And P.S- Valmikinagar, Distt.- West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 376, 341,
323, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner is alleged to
have established sexual relationship with the informant on the
pretext of solemnization of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The entire allegation are
absolutely false inasmuch as the petitioner's marriage was
solemnized with co-accused Sonam Devi about 9 years back
and he has two children from the said wedlock. The informant is



a matured lady, aged about 27 years. There is no any medical proof to substantiate the allegation of sexual relationship rather when the informant started acting offensive then, an altercation took place between the informant and petitioner's family members thereafter, she manufactured the superficial injuries tried to create evidence, and made the petitioner an accused. From persual of FIR, it seems there is consensual relation between the petitioner and victim. The petitioner has got no criminal antecedent and languishing in custody since 8.9.2023.

5. Learned APP appearing for the state and informant counsel have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bagaha (Mahila) P.S. Case No. 47 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bagaha, West(Champaran).

(Sunil Kumar Panwar, J)

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