

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1463 of 2023**

Arising Out of PS. Case No.-17 Year-2022 Thana- MAHILA PS District- Katihar

Nagendra Murmu Son Of Chunnu Murmu R/O Village- Petkasa Bathna, P.S.-  
Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      11-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
04.09.2022 in connection with Mahila P.S. Case No. 17 of 2022,  
F.I.R. dated 29.08.2022 for the offences punishable under  
Sections 376, 341, 323 and 504 of the Indian Penal Code.

According to prosecution case, the petitioner had  
established physical relationship with the informant on the  
pretext of marriage. Later on the informant was thrown out of  
her house imputing her a prostitute.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that from perusal of the F.I.R it transpire that the alleged occurrence took place between 05.06.2022 to 26.06.2022 but the present F.I.R has been instituted on 29.08.2022 i.e. after more than two months without giving any explanation of the said delay. He further submits that the informant herself has stated in the F.I.R. that she is a major and she wants to marry the petitioner and on the pretext of marriage, both the major persons have established relation so there is no case made out under Section 376 of the Indian Penal Code. He further submits that there is no allegation in the F.I.R that the petitioner has committed rape forcefully upon the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Sub Divisional Judicial Magistrate, Katihar in connection with Mahila P.S. Case No. 17 of 2022, subject to the following



conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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