

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15756 of 2024

Arising Out of PS. Case No.-277 Year-2023 Thana- CHAUSA District- Madhepura

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Balveer Kumar Son of Rabindra Sharma @ Devendra Sharma Resident of
Village- Kharowa, Ward No.-2, P.s.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari Daughter of Mukesh Sharma Resident of Village - Chirauti,
P.S. - Chausa, District - Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Chausa P.S. Case No. 277 of 2023 registered under Section 376
of the Indian Penal Code.

3. It is alleged that petitioner made physical relation with
informant on the false promise of marriage, and thereafter
refused to marry.

4. Learned counsel appearing on behalf of the petitioner
submits that the First Information Report has been lodged after
an inordinate delay of one year, for which there is no plausible



explanation, which itself creates doubt over the veracity of the entire prosecution case. Further submission is that when the relationship developed between both the parties, they were major. From perusal of the F.I.R., it is apparent that both parties were in relationship for quite some time and enjoyed each other's company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action. If the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 277 of 2023, subject to the conditions as



laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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