

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25182 of 2024

Arising Out of PS. Case No.-560 Year-2023 Thana- NATHNAGAR District- Bhagalpur

MANISH KUMAR @ ASHISH KUMAR SON OF ANIL PODDAR
RESIDENT OF VILLAGE - HARIDASPUR, P.S. - NATHNAGAR,
DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MADHULATA DEVI WIFE OF MAHESH PRASAD SHARMA
VILLAGE- HARIDASPUR, PS- NATHNAGAR, DIST- BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha
For the Opposite Party/s : Mr.Md. Aslam Ansari

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

ORAL ORDER

3 24-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Nathnagar P.S. Case No. 560 of 2023,
registered for the offences punishable under Sections 341, 323,
504, 376, 506 of the Indian Penal Code.

3. As per allegation, when the informant was in her
*mai*ke and her husband had gone to orchard, the petitioner
entered into the house of the victim and committed rape upon
her. Her brother Satyam Kumar suddenly came and saw the
occurrence, whereafter the petitioner fled away.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated. As a matter of fact, when the parents of the victim were not present in the house she herself called the petitioner to her house and it was not a case of rape rather the physical relation was consensual. His further submission is that when Satyam Kumar, the brother of the informant, saw the occurrence, the petitioner was made accused. He has also submitted that the age of the victim, as per medical examination is 14-16 years, and if the margin of 2 years is given, the victim becomes major.

5. On the other hand, learned counsel for the informant opposed the prayer for bail by submitting that in the absence of parents of the victim, the petitioner entered their house and, finding the victim alone, committed rape upon her. Learned counsel has also submitted that the victim, in her statement under Section 164 of the CrPC, has fully corroborated the allegation.

6. From perusal of the FIR, it appears that the victim did not inform the alleged occurrence to her parents rather her brother Satyam Kumar informed the occurrence to the informant. There is nothing in the FIR which shows that the victim raised a hue and cry when the petitioner was committing the alleged offence. The petitioner is under custody for more



than a year and is a person of clean antecedents. If a margin of two years is given to the age determined by the medical team, the age of the victim comes to 18 years and the medical report does not corroborate the allegation.

7. 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 Special Judge, Bhagalpur in connection with Nath Nagar P.S. Case No. 560 of 2023, subject to the following condition:-

The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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