

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25347 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- MAHILA PS District- Buxar

Krishna Pal Son Of Ram Bahadur Pal Resident Of Village - Dawanpur, P.S. -
Rohtas, District - Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Buxar
(Mahila) P.S. Case No. 70 of 2023 instituted for the offence
under Sections 376, 504 & 506 of the Indian Penal Code.

3. Prosecution case in short is that marriage of the
petitioner was fixed with the informant/victim two years ago
and the petitioner on several occasions has established physical
relationship with the informant/victim on the false pretext of
marriage and when the informant/victim put pressure for
marriage, then the petitioner refused and started threatening for
dire consequences.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 01-01-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is minor contradictions in the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C. It is next submitted that victim is major and there was consensual relationship with the victim. It is also submitted that victim herself refused for her internal examination on 15-12-2023. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in *2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)* and *(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)*.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 40 of the case diary, it is submitted that victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, both victim as



well as petitioner are major and the fact victim herself has refused to internal medical examination, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Mahila) P.S. Case No. 70 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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