

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30663 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- ARWAL District- Jehanabad

Seth Kumar S/o Ram Dinesh Gupta @ Ramjinesh Saw R/o vill - Piru, P.S. -
Haspura, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mithilesh Kumar Upadhyay, Advocate Ms. Tetara Kumari, Advocate
For the Opposite Party/s :	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2024 Heard the parties.

2. The petitioner is an accused in connection with Arwal P.S. Case No. 291 of 2023 registered for the offences under section 376 of the Indian Penal Code lodged on 12.06.2023 by the informant, Lalita Kumari.

3. As per the prosecution story, the informant has given specific dates on which the petitioner took her to Sai Guest House, Arwal and made physical relationship. Later she was found to be pregnant, wanted him to marry, refused, the FIR.

4. Learned counsel for the petitioner submits that a married lady was forcing her to marry him which is on record. The dates and the guest house as also allegation clearly shows that it was consensual relationship and under no circumstances,



allegation of rape can be attributed to him even on going through the FIR. The last submission is that he do not have criminal antecedent and is in custody since 04.10.2023 (as stated in paragraph-11 of the petition).

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that allegation of rape has been alleged upon him.

6. Taking into account the aforesaid submissions put forward by the parties as also the content of the FIR, the lady is major, FIR lodged and he will have to face the trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned District and Sessions Judge, Jehanabad in connection with Arwal P.S. Case No. 291 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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