

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33298 of 2023

Arising Out of PS. Case No.-81 Year-2015 Thana- BAHADURPUR District- Darbhanga

Sahil Bharti @ Guddu, Son Of Sadanand Paswan Resident Of Village-
Radhepura, Ps- Bahadurpur, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 341, 323, 354B, 354D,
504, 506/34 of the Indian Penal Code and later on Section 376
of the IPC.

3. As per prosecution case, the informant was married
with Md. Murtuza four years ago and before marriage the
informant had friendship with the petitioner and he used to visit
at the sasural of the informant resulting that her matrimonial life
broken and she started living with her father in *Maike*. The
informant further alleged that on 20.03.2015 at about 10 PM the
petitioner entered into her house and outraged the modesty and
on the false pretext of marriage established physical relationship



with her.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that after lodging the FIR, the petitioner was granted anticipatory bail vide order dated 28.07.2015 passed in A.B.P. No. 1166/2015 by the Session Judge, Darbhanga. Thereafter the informant moved before the Hon'ble High Court by filing Cr. Misc. No. 50054 of 2015 for cancellation of bail, which was dismissed by the Hon'ble High Court. He further submitted that the informant filed a miscellaneous application before the District Judge, Darbhanga bearing Cr. Misc. No. 122/2018 for cancellation of anticipatory bail granted to the petitioner and ultimately Cr. Misc. No. 122 of 2018 was allowed by 3rd Additional Session Judge, Darbhanga on 16.12.2019 and bail granted to the petitioner was cancelled. Victim is a major lady and there seems to be consensual relationship between both the parties. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 09.02.2023.

5. The application for bail is opposed by learned APP for the State, learned counsel for the informant and submitted that this petitioner established physical relationship with the



victim.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case No. 81 of 2015 with a conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(ii) Petitioner 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.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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