

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33879 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHILA THANA District- Begusarai

Rahul Kumar Das @ Rahul Kumar S/O Ram Pravesh Das R/O Village-
Satichaura, Post- Lakhminiya, P.S- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Shyameshwar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Anshu Dhar Sharma, learned advocate for the petitioner and Mr. Ajay Kumar Jha, learned APP for the State. The informant appears through Mr. Shaymeshwar Kr. Singh, learned advocate.

2. The petitioner seeks regular bail, who is in custody in connection with Mahila P.S. Case No. 35 of 2023 registered for the offences punishable under Section 376 of the Indian Penal Code.

3. The prosecution case is based on the fardbeyan of the informant, alleging therein, that on the pretext of marriage the petitioner has established physical relationship and later on denied from marriage. It is further alleged that the parents of the boy is not ready and as such the boy has refused to solemnize



the marriage despite the assurance and physical relationship for long past.

4. Learned Advocate for the petitioner contended that both the parties are major and the long duration of physical relationship between the parties speaks loud that they were consenting party. In the aforesaid circumstances, no case is made out under Section 376 of the Indian Penal Code. It is next contended that there is delay in lodging of the FIR and the reason for delay has also not been explained. The present FIR have been instituted only to put pressure upon the petitioner to solemnize the marriage; barring the pressure practice the present FIR is nothing. Apprehending the danger of false implication an informatory petition has also been filed by the petitioner; the copy of which is marked as Annexure-2 to the application. It is lastly contended that the petitioner is a man of tender age having fair antecedent and is in custody since 16.03.2024.

5. On the other hand, learned APP for the State and informant vehemently opposes the bail application and submits that the informatory petition clearly speaks that there was good relationship between the parties and assurance had also been given by the petitioner. After some argument, the learned advocate for the informant apprised this Court that now the



Panchayati has taken place and the boy has shown his willingness to solemnize marriage with the informant and as such he is instructed not to oppose the prayer of the bail of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the parties are major and *prima facie*, the relationship appears to be consensual in nature coupled with the fair antecedent of the petitioner and the fact that the investigation of crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Begusarai in connection with Mahila P.S. Case No. 35 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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