

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38854 of 2024

Arising Out of PS. Case No.-45 Year-2023 Thana- ADHAOURA District- Kaimur (Bhabua)

Shravan Yadav @ Shravan Kumar Son Of Jagarnath Yadav @ Jagarnath Singh, Resident Of Village - Beduri, P.S. - Adhaura, District - Kaimur At Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 28-08-2024 Heard Mr. Tribhuwan Narayan, the learned counsel

for the petitioner and Mr. Amitesh Kumar, the learned

Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

12.02.2024, in connection with Adhaura P.S. Case No. 45 of

2023, FIR dated 18.08.2023, registered for the offences

punishable under Section 376 of the Indian Penal Code.
3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 1818 of 2024, which was

rejected vide order dated 31.01.2024.
4. According to the prosecution case, petitioner

established physical relationship with the informant under the

pretext of solemnizing marriage, however, later he refused to

marry her.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from bare perusal of the FIR, it appears that petitioner has established physical relationship with the victim, which continued from 15.03.2023 till 20.07.2023 and it also appears that the complainant has not made any complaint before the authority prior to 20.07.2023 and it also appears from the FIR that the relationship was consensual. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 12.02.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail, **after framing of charge, if not framed as yet**, on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Kaimur at Bhabua, in connection with **Adhaura P.S. Case No. 45 of 2023**, subject to



the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

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

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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