

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41213 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- MAHILA P.S. District- Sheohar

Kanhaiya Sah @ Kanhaiya Kumar, S/o Jaylal Sah @ Jay Lal, Resident of
Village-Adauri, P.S.-Purnahiya, District-Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sheohar Mahila P.S. Case No.10 of 2024 registered for
the offences punishable under Sections 376 and 506 of the
Indian Penal Code.

3. The accused/petitioner is named in the FIR and
is in custody since 03.04.2024.

4. Allegation against the petitioner is to commit
rape upon informant, who is a married lady aged about 24
years.

5. It is submitted by learned counsel appearing for
the petitioner that petitioner has been falsely implicated with
present case. It is pointed out that if the version of Complaint



Case No.136 of 2022 authored by victim/informant be believed then as per narration of said complaint case, the marriage of victim/informant with petitioner was solemnized on 16.04.2017 and it was the Hari Shankar Sah about whom, she claimed to be her husband made physical relation before marriage, making her pregnant. It is submitted that the informant/victim filed aforesaid complaint case under Section 498-A read with Sections 406 and 323 of the Indian Penal Code against the petitioner but, as nothing substantial developed, the present false implication was raised by implicating the petitioner falsely for the offence under Section 376 of the Indian Penal Code. It is submitted that from the narration of FIR itself, it is nowhere appears that physical relation was established against the will of the victim/informant, where the maximum allegation appears to be surfaced that same was established out of false promise of marriage, which appears contrary in view of aforesaid discussed complaint case to suggest that the marriage already solemnized between the victim and petitioner. The factum of aforesaid marriage was also approved by learned counsel appearing for petitioner. While concluding argument, it is



submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of nature of allegation and also by contents of Annxure-P2, which is complaint case authored by victim/informant herself, as discussed above, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Sheohar in connection with Sheohar Mahila P.S. Case No.10 of 2024, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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