

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45168 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- BAKHARI District- Begusarai

RAHUL KUMAR SON OF TRIVENI PASWAN VILLAGE- HEMANPUR,
WARD NO. 11, P.S.- BAKHARI, DISTT.- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Adv
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bakhri P.S. Case No. 144 of 2024 for the offences punishable under Sections 420, 376, 504 and 506 of the Indian Penal Code lodged on 23.04.2024 by the informant, Lakshmi Kumari.

3. As per the prosecution story, the informant alleged that the petitioner used to come to her house as a Tutor and in course of that he gave her some food to eat and after which she became unconscious. Upon regaining consciousness, she found pain as also without clothes but the petitioner insisted they shall continue the relationship on the pretext of marriage. In between, she was also threatened that a video has been created and in that garb, the relationship was made. Only when she came to know that he is getting married, came back from Delhi and lodged the



FIR.

4. Learned counsel for the petitioner submits that innocence can be seen from the fact that the day the FIR was lodged, he was called from the police station, visited the place and got arrested. Further, the police despite best of their efforts having gone through the mobile having been used for conversation with the lady did not find any video therein. He submits that it was a consensual relationship and only because he was engaged with a different lady and was getting married, the FIR. He has taken this Court to paragraph-7 to show that despite the police request, the lady did not go for medical examination.

5. Paragraph-7 of the present petition reads as follows:

“7. That, the falsity of the case further certified from the fact the informant did not get ready for medical examination and so the medical examination was not conducted upon the informant.”

6. Learned APP opposes the prayer stating that the lady, although major has alleged that it was a post physical relationship, video made, and on that garb the relationship continued, as such, he does not deserve the privilege of bail.

7. Having gone through the facts of the case as also



the submissions of the parties, the police has not found any video/photo in the mobile which was used for conversation, the petitioner has remained in custody since 24.04.2024 (para-9 of the petition) i.e., the day the FIR was lodged, has got no criminal antecedent, according to the learned counsel he is a Teacher, FIR lodged, will be facing the trial and it has further been undertaken that he will be diligently appearing in the trial coupled with the fact that the lady did not go for medical examination as narrated in para-7 of the petition, this Court is inclined to extend him the privilege of bail.

8. However, if it is found that the statement regarding medical examination of the lady in paragraph-7 has wrongly been made, the order shall become infructuous.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with aforesaid PS Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his 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 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 the 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 his bail bonds.

(Rajiv Roy, J)

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