

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50488 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- BIRPUR District- Supaul

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Ravi Kumar, Son of Sadan Prasad @ Ramesh Prasad Jaiswal @ Satan Ray,
Resident of Birpur, ward No. 8, P.S.- District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard Mr. Arun, learned Advocate appearing on

behalf of the petitioner and Mr. Bharat Lal, learned Additional

Public Prosecutor for the State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Birpur P.S. Case No. 03 of
2024 registered for the offence punishable under Sections 376,
452, 509, 341, 323 and 325 of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that on assurance of marriage the victim was subjected
to sexual exploitation. It is further alleged that on 03.11.2023
the petitioner entered in the house of the informant and
assaulted with fist and slaps, due to which she sustained injuries.

4. Learned Advocate appearing on behalf of the
petitioner referring to the FIR contended that from the narratives



of the FIR, it is evident that the informant was a widow having three children and being a major one, the relationship was a consensual relation which continued for a year. It is also alleged that the occurrence of assault by means of fist and slap was taken place on 03.11.2023 but surprisingly the present FIR has been instituted on 02.01.2024 without assigning any reason for delay. Moreover, the FIR suggest that the informant has given thumb impression but, it is not disclosed as to whether the same was read over and explained to the informant before institution of the FIR. It is also the contention of the petitioner that the informant was knowing the fact that there had no chance of solemnization of marriage and, as such, being a consensual party, no offence much less under Section 376 is made out. It is lastly contended that the petitioner is in custody since 05.01.2024 and after completion of the investigation, charge-sheet has been submitted.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the there is a specific allegation of sexual exploitation against the petitioner on the pretext of marriage. The petitioner is also carrying three criminal antecedent over his head.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that both the parties were major and *prima facie* the relationship appears to be consensual coupled with the fact that the petitioner is incarcerated for over a period of six months, 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 Chief Judicial Magistrate in connection with Birpur P.S. Case No. 03 of 2024, 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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