

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53638 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- Akbarpur District- Purnia

Nitish Kumar @ Nitish Kumar Mandal S/o Lalo Mandal R/o Akbarpur, P.S. -
Akbarpur, Distt-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Akbarpur PS Case No. 06 of 2024 dated 15-03-2024, instituted
under Sections 376,323,341, 504 and 506 of the Indian Penal
Code.

3. The prosecution case, in short, while the informant
came to her sister's house for study, her neighbour (petitioner)
used to make sexual relations with her on the pretext of
marriage. It is further alleged that while the informant asked the
family members of the petitioner for her marriage with the
petitioner, upon which, she was assaulted by the accused
persons and she was rescued by her sister and brother-in-law.
The informant informed about the incident to her mother and



when her mother came and asked the accused persons for marriage on which, they abused her and they also threatened the sister and brother-in-law of the informant to send her to her home else she would be killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that occurrence took place on 11-01-2024 whereas, the present case was lodged on 15-03-2024. Thereafter, the occurrence came to the knowledge of the family members of the informant. As per the statement of the victim recorded under Section 164 Cr.P.C, it would appear that on the pretext of marriage, the petitioner has established physical relations with the informant. It is submitted that as per FIR, the informant is a major girl. There is no Medical Report to support the allegation narrated in the FIR. The petitioner is a student preparing for government service and seeing his prospective bright career, the family members of the informant wanted to marry her with the petitioner, which was refused by the petitioner and his family members and on refusal, this false case has been lodged. Lastly, it is submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Purnea, in Akbarpur PS Case No. 06 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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