

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53753 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Vivek Kumar @ Raja Son of Shivismurat Srivastav @ Shivismurat Lal R/O
Mohalla- Bhabua ward No-22, Chitragupt Road, P.O. and P.S.- Bhabua, Dist-
Kaimur, Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-09-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in the present case
registered for the offence under Sections 313, 376 of the Indian
Penal Code.

3. As per the prosecution case, the informant was a
co-tenant and the petitioner is said to have established physical
relationship with the victim on the pretext of marriage and
thereafter, the petitioner did not marry with the victim. The
petitioner is also alleged to have got the abortion of the victim
done.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence.



Petitioner is in custody since 06.05.2024. Learned counsel for the petitioner has further submitted that it is a case of consensual sex and no offence is made out against the petitioner in view of the law laid down by the Hon'ble Supreme Court in the case of *Mandar Deepak Pawar V/s The State of Maharashtra & Anr; 2022 SCC OnLine SC 2110*.

5. Learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and also considering the law laid down by the Hon'ble Supreme Court in the case of *Mandar Deepak Pawar (Supra)*, this application for regular bail is allowed.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhabhua/concerned Court below in connection with Mahila (Bhabhua) P.S. Case No. 21 of 2024.

8. This application stands allowed.

(Sandeep Kumar, J)

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