

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53733 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Raja Kumar, Son of Kailash Ram, R/O Vill.- Jayaj Patti, ward no 23, P.S.-
Dalsinghsarai, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 25-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Dalsingh Sarai P.S. Case
No. 86 of 2024 registered for the offence punishable under
Sections 376, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is of sexually
exploiting the informant on pretext of marriage.

4. Learned Advocate appearing on behalf of the
petitioner contended that from the narratives made in the FIR it
is evident that the victim is major and for the last three years
both the parties were in relationship and thus, *prima facie* it
appears to be consensual in nature. It is further contended that
during the course of investigation the statement of the parents
of the victim girl was recorded and they have admitted this fact



that the victim is a married girl whose marriage was solemnized in the year 2022 with one Vikash Kumar, S/o Pannalal Ram, resident of Samastipur. A categorical statement has been made in this regard in paragraph no. 7 of the bail application. It is also the contention of the petitioner that the FIR is lodged when the marriage of the petitioner was solemnized with one another lady in the year 2024, which was being opposed by the informant. The petitioner has been incarcerated since 07.04.2024 and the investigation of the crime is complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that on the pretext of marriage the victim informant was sexually exploited at the hands of the petitioner and later on he refused to solemnize marriage.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation levelled in the FIR suggesting a long continuous relationship which *prima facie* speaks about the consensus of the parties, coupled with the fair antecedent and the period of custody, 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-I, Dalsinghsarai, Samastipur in connection



with Dalsingh Sarai P.S. Case No. 86 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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