

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65477 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- UCHKAGAON District- Gopalganj

Shailesh Kushwaha son of Lalan Kushwaha @ Lalan Prasad Kushwaha @
Lalan Prasad village- sakhe khas @ Shankhe Khash, Ps- Uchkagaon, Dist-
Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kriti Kumari Daughter of Lalan Prasad @ Lalan Kushwaha village-
Guruma, Ps- Uchkagaon, Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-11-2024 Heard Mr. Prashant Kumar, learned counsel for the

petitioner, Mr. Dineshwar Pandey for the informant as also Mr.

Jitendra Kumar Singh representing the State.

2. The petitioner is in custody in connection with
Uchkagaon P.S. Case No. 146 of 2024 for the offence
punishable under sections 376, 323 and 34 of the Indian Penal
Code lodged on 17.05.2024 by the informant, Kriti Kumari.

3. As per the prosecution story, the girl alleged that
both were studying in a Government school, became intimate
and later entered into physical relationship on the assurance of
marriage. However, when she turned major, request was made,
the petitioner showed inability and when once the petitioner



took the informant to his home, was thrown out. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that they were in a relationship and whatever intimacy/physical relationship was made, it was consented.

5. Learned counsel appearing on behalf of the informant, on the other hand submits that the parties have relented and once the petitioner comes out, both the informant as also the petitioner shall be tying nuptial knots.

6. Considering the submissions put forward by the parties as also the facts of the case, the petitioner is in custody since 30.05.2024 (para 16 of the petition), is only 20 years of age having no criminal antecedent, it seems that the family is moving towards the marriage of the two major person, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, Gopalganj in connection with Uchkagaon P.S. Case No. 146 of 2024 subject to the



following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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)

Vijay Singh/-

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