

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66331 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- DANIYAWAN District- Patna

Rakesh Paswan Son of Mithilesh Paswan Resident of Village -Taraura, PS-
Daniyawan, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Deepti Pandey, Advocate
Ms. Kamla Kant Pandey, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and the
State .

2. Petitioner seeks regular bail in a case registered for
the offence punishable under section 376 of the Indian Penal
Code .

3 . As per the prosecution case , on the pretext of
marriage , this petitioner established physical relation with the
informant. It is further alleged that petitioner threatened the
informant with dire consequences.

4. Learned counsel for the petitioner submits that
from bare perusal of the F.I.R., it is apparent that both parties
were in relationship for several months and enjoyed each other's
company, and indulged in sexual act and as such, it cannot be



said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action . Chargesheet has already been submitted. Petitioner is in custody since 05.09.2023 .

5 . Learned A.P.P. for the State vehemently opposed the bail application .

6. Considering the fact that both the parties were major when the relationship developed between them and which continued for more than two years together and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence and period of custody, the bail application is allowed. Let the above named petitioner 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 Upper District and sessions Judge -1 Patna in connection with Session Trial No. 15 of 2024 arising out of Daniyawa P. S. Case No. 72 of 2023 .

(Prabhat Kumar Singh, J)

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