

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67366 of 2023

Arising Out of PS. Case No.-430 Year-2023 Thana- SITAMARHI District- Sitamarhi

Ranjan Kumar Tiwari S/o Nawal Kishore Tiwari R/o Village-Harpur Bhalha,
P.S.-Bathnaha, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 323, 504/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he made physical relation with the informant by giving her false promise of marriage. When informant went to petitioner's house his mother assaulted the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in



nature. He further submits that informant is a patient of HIV annexed as annexure-2. The informant supported the prosecution case in her statement recorded u/s 161 and 164 of Cr.P.C. According to medical report, doctor opined that it is difficult to state that rape is occurred or not Informant is widow, working as nurse. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, both the petitioner and the informant are major and they have established physical relations with mutual consent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sitamarhi (Mehsaul) P.S. Case No. 430 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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