

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68513 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- HISUWA District- Nawada

Omprakash Yadav @ Om Prakash Yadav Son of Sikandar Yadav @ Hulas
Yadav @ Hulash Yadav Resident of Village- Gulejar Bigha, P.S.- Fatehpur,
Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Aryan Singh, Advocate
For the State : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 376, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, it is alleged that this petitioner committed rape with the informant for four years.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has falsely been implicated I this case. From bare perusal of the F.I.R. it is apparent that the informant was a major and married lady at the time of the alleged relationship which continued for four years and both of them were engaged in each other's company. The same cannot be said to be induced or involuntary. It is not the result of any



misconception and as such, the same would not amount to rape. As a matter of fact the informant was fully aware of the consequences of the relationship and despite that, the same continued for several years. Petitioner has got no criminal antecedents and he is in custody since 01.06.2024. Moreover, charge-sheet has already been submitted.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, rival submissions, nature of accusation, period of custody and clean antecedents of the petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, 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 learned Additional Chief Judicial Magistrate-VI, Nawada, in connection with Hisua P.S. Case No. 92 of 2023.

(Prabhat Kumar Singh, J)

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