

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73822 of 2024**

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA P.S. District- Madhubani

Shankar Suman S/O Sanjai Mahto @ Sanjai Mahtha @ Sanjay Mahto R/o  
Vill-Singralu(Singrahi), P.S-Ladaniya(Ladania), District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-10-2024                      Heard learned counsel for the petitioner, State and  
the informant.

2. The petitioner is in custody in connection with Madhubani (Mahila) P.S. Case No. 06 of 2024 for the offence punishable under sections 376, 420 read with Section 34 of the Indian Penal Code lodged on 28.02.2024 by the informant, Puja Kumari.

3. As per the prosecution story, the informant alleged that she is a student of graduation, was induced by the petitioner, photographs taken and thereafter, physical relationship was made. Though earlier, he had assured of marriage, later, he backtracked, the police intervened, whereafter, she was kept in the house of the petitioner but forcibly thrown out. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he is 21 years of age, a student, with consent, a physical relationship was made as the informant herself is major. However, later, she started pressurizing for marriage, forced her entry into the house for which an information was also given, alleging rape, he has now been made to suffer in the jail.

5. Learned counsel for the informant, on the other hand opposes the prayer submitting that on the basis of certain intimate photographs, the physical relationship was made and later he backtracked from the assurance of marriage.

6. Both the petitioner and the informant are young persons, the petitioner is 21 years of age while the informant is 20 years of age, both consented to physical relationship as per the FIR itself, whether it was forced or consented, that is for the Trial Court to decide, the petitioner is in custody since 16.08.2024 (para 11 of the petition) and he do not have criminal antecedent, is a student as submitted by the learned counsel for the petitioner which is subject to verification by the Trial Court, in the aforesaid circumstance, 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 Sub-Divisional Judicial Magistrate, Madhubani in connection with Madhubani (Mahila) P.S. Case No. 06 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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