

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73938 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- MAHILA P.S. District- Samastipur

Chandan Kumar Mahto @ Chandan Kumar Son of Vinod Mahto Vill-
Shitalpatti Panchayat- Bejadih W.No-6, Ps- Mufassil Dist- Samastipur

... .. Petitioner

Versus

1. The State of Bihar
2. Priti Kumari D/o- Late Bhola Mahto Village- Godaha W.no-1, Ps-
Musaraidharari Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 20-12-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner seeks regular bail in a case registered for the offences punishable under Sections 376, 341, 323, 324, 325, 354(C), 504, 506/34 of the Indian Penal Code.
3. As per the prosecution case, petitioner established physical relation with the informant on the pretext of marriage and later on refused to marry.
4. Learned counsel for the petitioner submits that from the perusal of the FIR it is clear that the informant is major and with consent of the informant, petitioner established physical relation for four years. Both of them engaged in sexual activity for quite some time which cannot be said to be induced and involuntary. As such, allegation of inducement and commission of rape is not made out against the petitioner. Petitioner has got no criminal antecedent. Petitioner is in custody since 29.1.2024.
5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner,



mentioned above, be enlarged 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 Sub Divisional Judicial Magistrate, Samastipur in Mahila Police Station Case No. 5/2024.

(Prabhat Kumar Singh, J)

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