

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81754 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- LAUHIYANAGAR District- Begusarai

Bishwabandhu Kumar Son of Jawahar Prasad Singh Resident of Village-
Pansalwa, P.S.- Beldour, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rashmi Kumari D/O- Nand Kishore Yadav Resident of Santosh Ward -10,
P.S.- Alauli, Distt.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Lohianagar P.S. Case No. 67 of 2024, registered on 27.07.2024 for the alleged offences under Sections 64, 74, 75, 76, 78, 351(2), 123 of BNS, 2023.

3. As per prosecution case, the petitioner served spiked cold drink to the informant and in her stage of intoxication, established physical relationship with her. Further allegation against the petitioner is that he had also taken obscene photographs of the informant on his mobile phone and started blackmailing her to continue with the sexual relationship.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and no occurrence as alleged has ever taken place. The statement of the informant was recorded in which she has categorically stated that the petitioner never offered any cold drink nor any intoxicant to the informant and the same has falsified the prosecution case against the petitioner. The informant lodged the case after two years of the alleged occurrence and it is not believable that the informant was not a consenting partner. It also appears that the case has been lodged in order to blackmail the petitioner. However, a compromise has taken place between place between the petitioner and the informant and a petition has been filed before the learned Sessions Judge, Begusarai to that effect. The petitioner in custody since 28.07.2024 and is having clean antecedent and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delayed lodging of the FIR and further considering the conduct of the informant and submission of charge sheet, the petitioner



above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned Court in connection with Lohianagar P.S. Case No. 67 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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