

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77829 of 2023

Arising Out of PS. Case No.-462 Year-2023 Thana- ARA NAWADA District- Bhojpur

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DHRUV SHARMA @ DEEPU SHARMA @ DHRU SHARMA Son of
Umesh Sharma resident of village - Sohri, P.S. - Charpokhari, District -
Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi wife of Ravindra Sharma, R/O Sohri, P.S. Charpokhari, District - Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar, Advocate Mr. Shivam Kumar, Advocate Mr. Shudhakar Ranjan, Advocate
For the Opposite Party/s :		Mr. Rana Randhir Singh, APP Mr. Deepak Kumar, Advocate Ms. Priya Kumari, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 13-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Ara
Nawada P.S. Case No. 462 of 2023 registered for the offence
under Sections 341, 323 & 376 of the Indian Penal Code and
Section 37 of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per the prosecution case the informant is alleged to
have been assaulted by the petitioner and rape was being
committed on her by the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is in custody since 1.7.2023. He further submits that the petitioner is innocent committed no offence and has falsely been implicated in the present case. The physical relation of the petitioner with the informant was consensual and they were in relationship and a baby boy born out of her physical intimacy with the petitioner which justifies the fact that after desertion by the husband the informant was in love relationship with the informant and as such no case under Section 376 IPC is made out. The petitioner has not assaulted the informant

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. From perusal of the bail petition, FIR, case diary and statement under Section 164 Cr.P.C., it appears that the informant and the petitioner were in residing for a long time together and having sexual relationship from long time since 2015 and the instant case was lodged in 2023. there was a compromise with the victim and the petitioner also.

7. Considering the aforesaid facts and circumstances and period of custody of the petitioner, the above named petitioner is directed to 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 Exclusive Special Excise
Court-1st, Bhojpur at Ara, in connection with Ara Nawada P.S.
Case No. 462 of 2023.

(Ramesh Chand Malviya, J)

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