

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86250 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Sanny Kumar S/o Birju Sahni Resident of village- Rampur Jalalpur, P.S.-
Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Kant, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Khodabandpur P.S. Case no.182 of 2023 registered under sections 376, 420, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that giving false assurance of marriage, the petitioner committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R. itself, which was lodged in the form of a complaint and subsequently registered as an F.I.R., it would transpire that the relationship between the parties were



consensual. It is further submitted that the informant is a major. No offence under section 376 of the Indian Penal Code is made out. Even as per the medical report, the age of the informant has been assessed to be between 17-19 years. In her statement in the F.I.R. and the statement under section 164 Cr.P.C., she describes herself to be 20 years. There is an unexplained delay of six months in lodging of the F.I.R. The petitioner is in custody since 22.6.2023.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R. of having raped the informant on the pretext of marriage, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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