

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2644 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA P.S. District- Sitamarhi

Feku Thakur, aged about 45 years, Male, S/o- Late Ramashish Thakur, R/o Vill- Raypur, P.S- Runni Saidpur, Dist- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sonali Devi, W/O Late Ajay Thakur, R/O Village- Raipur, P.S- Runni Saidpur, Distt.- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar Mishra, Advocate
For the State	:	Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 10-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in Sitamarhi Mahila P.S. Case No. 23 of 2023 dated 12.08.2023 registered for the offences punishable under Sections 376 and 313/34 of the I.P.C.

3. As per the prosecution case, after the death of the informant's husband, since two years, the petitioner and his son the co-accused Subansh Thakur established physical relation with her on the pretext of her marriage with Subansh Thakur but later on the petitioner denied to marry his son Subansh Thakur with her. She was pregnant of two months and the petitioner and the co-accused Subansh Thakur got her pregnancy aborted after



giving her medicine.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that both parties are own gotias and there is also a land dispute between the parties. It is further submitted that after the death of her husband, she wanted to get married with the co-accused Subansh Thakur who is the son of the petitioner and when the petitioner denied to marry his son with the informant, she has filed the present false case against the petitioner and his son. It is further submitted that as per the F.I.R., the petitioner and his son established physical relation with the informant for the last two years but no complaint/F.I.R. has been lodged against them and she has lodged the present F.I.R. on 12.08.2023 after a lapse of two years from the date of the alleged occurrence for which no explanation has been given by the prosecution. It is submitted that in support of her abortion, no document has been produced by her, hence, no case under Section 313 of the I.P.C. is made out against the petitioner. The victim was medically examined by the doctor and the doctor has opined 'No definite opinion against sexual assault can be given'. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail application. The petitioner is



in custody since 13.08.2023.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sadar, Sitamarhi and /or other transferee court in connection with Sitamarhi Mahila P.S. Case No. 23 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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