

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2365 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- CHAKAI District- Jamui

Chandan Kumar Son of Bhimlal Yadav Resident of Village- Saraun, P.S. -
Chakay, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, APP
For the Informant :	Mr. Jyoti Ranjan Jha, Advocate
	Ms. Shristi Rani, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant and
perused the case diary.

2. The petitioner seeks bail in connection with
Chakay P.S. Case No. 204 of 2023 instituted for the offence
under Sections 420, 376, 504, 506 & 34 of the Indian Penal
Code.

3. Prosecution case as emanated from the FIR is that
petitioner on the false pretext of marriage established illicit
physical relationship with the informant (victim).

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 17-10-2023. Petitioner is a



man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is admitted love affairs between the petitioner and the informant, as is evident from the FIR itself. It is next submitted that from the perusal of the FIR itself, it would reveal that there is no forceful physical relation made by the petitioner with the informant but with her consent, hence, Section 376 of the IPC is not made out against the petitioner. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to the statement of the victim recorded under Section 164 of the Cr.P.C. that victim has supported the allegation levelled against the petitioner. It is next submitted that he sexually harassed a minor girl under the age of 18 years and enticed her and established forceful physical relation with the victim on the pretext of marriage and subsequently refused to marry the victim and victim has been living at her maternal place in helpless condition as his father is no more.



7. Considering the aforesaid facts and circumstances of the case, there being direct allegation levelled against the petitioner supported by the statement of the victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is **rejected**.

9. The Trial Court is directed to expedite the trial as expeditiously as possible within a period of nine months .

(Rudra Prakash Mishra, J)

Raj Kishore/-

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