

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.518 of 2024

Arising Out of PS. Case No.-929 Year-2022 Thana- SITAMARHI District- Sitamarhi

Golu Kumar @ Golu Sah Son of Late Vijay Sah R/o Mohalla - Adarsh Nagar,
Rajopatti, P.S. - Sitamarhi, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
		Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s	:	Ms. Renu Kumari, APP

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

ORAL ORDER

3 21-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 929 of 2022 instituted for the offences
under Sections 376, 420, 323, 379, 504, 506/34 of the Indian
Penal Code

3. As per prosecution case, there is a direct and
specific allegation against the petitioner of rape and sexual
exploitation of a married women (the Informant) on the pretext
of marriage. It is alleged in the F.I.R. that on 10.11.2022, when
the Informant refused to make physical relation with the
petitioner, he assaulted her and also snatched her ornaments and
thrown her at the Rajopatti main road.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the alleged date of occurrence is 10.11.2022 but, the case was instituted on 20.11.2022 i.e. after ten days when the Informant filed written report on 21.11.2022 that too without any valid explanation of delay which falsifies the entire prosecution version. He further points out that no medical checkup has been done to the Informant and the main allegation is against Santosh Sah who is the driver of the truck. He further points out that the said relationship was a consensual relationship between the parties and, in this regard, he has placed reliance on the cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC 3100 (Dr. Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra & Ors.)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar Vs. The State of Maharashtra & Ors.)**. The petitioner is a cleaner. He further submits that since no medical examination done in this case, there is contradiction in the statement of the victim girl made under Sections 161 and 164 Cr.P.C. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 13.05.2023.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Sitamarhi P.S. Case No. 929 of 2022.

(Rudra Prakash Mishra, J)

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