

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5295 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- GAYA KOTWALI District- Gaya

Venktesh Kumar, S/O Jai Kishore Sharma @ Jay Kishor Kumar R/O Village-
Khalkochak, P.S.- Makhdumpur District- Jehanabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gaya Kotwali P.S. Case No. 38 of 2023, lodged on 13.01.2023
under Sections 341, 323, 376, 504, 506, 34 of the Indian Penal
Code.

3. As per the prosecution case, FIR has been lodged
against four named accused persons including the present
petitioner against whom allegation of rape is there in the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from *fardbayan* itself, it transpires that the
physical relation has been developed between the informant and
the petitioner. Initially, the petitioner was ready to marry, but



subsequently, his family members refused to marry and thereafter, the case has been lodged against the entire family members of the petitioner. Counsel further submits that the informant disclosed falsehood before the petitioner which transpires from Annexure-2 that marriage of the alleged victim was already solemnized with other person and she has filed a criminal case against her married husband under section 498A being complaint case no. 429 of 2022 which is Annexure-2.

5. Learned counsel for the petitioner submits that on one hand the informant was in litigating term with her husband and on the other, she has developed physical relation with the petitioner and created pressure to marry with her which is a complete contradictory situation in law. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 12.10.2023. Counsel also submits that charge-sheet has already been filed.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that fraud has been committed with the informant by the petitioner and by virtue of wrong promise, physical relation has been developed with the informant.

7. In the present facts and circumstances of this case



and the submissions made above, **let the petitioner above named, be granted bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Kotwali P.S. Case No. 38 of 2023.

(Dr. Anshuman, J.)

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