

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.782 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- BAUNSI District- Banka

Rupesh Kumar @ Rupesh Kumar Choudhary SON OF Vishnudev Choudhary
VILLAGE -SIKANDARPUR, POLICE STATION- BOUNSI, DISTRICT
-BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

Mr. Ganesh Sharma, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bounsi P.S. Case no.233 of 2023, registered under section 376 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner mislead her to believe that there was a love affair between them, she was sexually exploited and on the pretext of marriage, he took her away and later abandoned her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. It is the case of one sided love affair and of the petitioner being pressurized to enter into marriage with the informant. The informant is a major being aged about 18 years as stated by her in the FIR. The relationship, if any, was consensual. No offence under section



376 of the Indian Penal Code is made out. Similar is the statement of the informant under section 164 Cr.P.C. The petitioner is in custody since 7.8.2023, has no criminal antecedent and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation of rape made by the informant against the petitioner in the FIR together with the contents of her statement under section 164 Cr.P.C wherein she supports the allegations as levelled in the FIR, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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