

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3934 of 2025

Arising Out of PS. Case No.-15 Year-2024 Thana- MAHILA THANA District- Begusarai

Ganesh Kumar @ Shivam Kumar S/o- Amarnath Sah @ Amarnath Singh
Village- Pachmma Suhird Nagar Ps- Muffasil Singhaul OP Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 341, 323 and 504/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner has established physical relationship with the informant for a year on the false pretext of marriage. It is further alleged that when she pressurized for marriage, he denied. Hence, the FIR.

4. During the course of investigation, the victim has given her statement under Section 164 of the Cr.P.C. wherein she has stated that she went to Ludhiyana with the petitioner and they lived there as husband and wife. He put vermilion on her head to show that she has married couple. It is further alleged



that she also went to Pune. In her statement under section 161 of the Cr.P.C. she has also stated that she went to Ludhiyana and lived there as husband and wife.

5. On perusal of the FIR itself, it is clear that there was sexual relation between the informant and the petitioner from one year before but he has not made any complaint and her statement under Section 164 and 161 of the Cr.P.C. goes to show that she was a consenting party.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. Learned counsel for the petitioner submits that even the fact that the petitioner got a job of Security Guard and he was pressurized for marriage which he denied but from perusal of the statement of the victim, it transpires that the relation between the parties was consensual. There is no ingredient of rape in the statement of the victim. Moreover, the petitioner is languishing in judicial custody since 25.11.2024 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on



bail. The above named petitioner is directed to be released on bail in connection with Begusarai Mahila P.S. Case No. 15 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Begusarai.

(Ashok Kumar Pandey, J)

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