

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7493 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA PS District- Katihar

Vishal Sagar S/o Tara Shankar Prasad R/o vill - Nav Bharat Gali, Habibpur,
P.S. - Sahebganj, Distt.- Sahebganj, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd.(App), APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sahebganj Mahila P.S. Case No. 8 of 2024 instituted for the
offences under Sections 493, 376 of the Indian Penal Code.

3. The prosecution case, in short, is that on the pretext
of marriage, the petitioner used to commit rape upon the
informant for five years. It is also alleged that the petitioner,
later on, denied to marry with the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner has not committed any offence as alleged in the
F.I.R. He further submits that prior to lodging of the F.I.R., the
petitioner had filed informatory petition before the learned court



of Chief Judicial Magistrate, Katihar on 11.09.2023 against the informant and, thereafter, the informant lodged this false case on 22.03.2024 that too after about six months. He further submits that the informant was compelling the petitioner since long and when he denied to marry with her, she lodged the present case against him. He further points out that both the parties are major and with the consent of the informant, the said relationship has been established. In this regard, he has placed reliance on the case of the Hon'ble Supreme Court in the case of ***Criminal Appeal No. 962 of 2022 (Ansaar Mohammad Vs. The State of Rajasthan & Anr.)***. The petitioner has no criminal antecedent and is languishing in judicial custody since 25.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation upon the petitioner that committing rape upon the victim for last five years on the false pretext of marriage. The offence alleged against the petitioner is serious in nature. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 493/376 of the I.P.C. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and 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 Sahebganj Mahila P.S. Case No. 8 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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