

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26824 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- BAIRIYA District- West Champaran

MUKTI GIRI @ MUKTINATH GIRI SON OF LATE BANGALI GIRI R/O-
KHIRIAGHAT, P.S.-BAIRIYA, DISTT.-WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 22-07-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

3. The allegation in the first information report arising out of a complaint case is that the informant/complainant was sexually exploited by the petitioner on the pretext of marriage for almost about 20 years.

4. It is submitted by learned counsel for the petitioner that it would be evident from the plain and simple reading of the complaint that no offence is made out against the petitioner, in view of the fact that the informant cannot be said to be under a misconception of fact for such a long time. The informant is a matured adult who had already been married earlier and she had made an informed and conscious choice of staying with the petitioner and had entered into a physical relationship without any force or coercion. The present complaint was also lodged after an



inordinate and abnormal delay of two years. The occurrence of ousting her is said to have taken place on 28.12.2020 but the F.I.R. was lodged on 07.10.2022. It is further submitted that the petitioner's wife has also filed a counter case against the present informant and it is her own assertion in the complaint that she stayed with the petitioner at various places and she was staying as a wife of the petitioner since the last eight years on a rented accommodation. Only on account of a dispute between the parties, the present complaint was later instituted.

5. Learned APP for the State opposed the prayer for bail.

6. Taking into consideration the facts and circumstances of the case as also the fact that a submission has been made on behalf of the petitioner that the matter stands now compromised between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection Bairiya P.S. Case No.287 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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