

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22353 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- Benta District- Darbhanga

Krishna Kumar Son of Rajesh Kumar Resident of Village - Ward No.- 6,
Jharodda, Tehsil - Buhana, P.S. and District - Jhunjhunu, Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Samir Kumar, Advocate
For the Opposite Party/s :		Mr. Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Benta
P.S. Case No. 38 of 2024, instituted for the offences punishable
under Sections 376 and 313 of the Indian Penal Code.

3. The prosecution case, in short, is that on the pretext
of marriage the petitioner has committed rape upon the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.
Learned counsel for the petitioner also submits that the
allegation levelled against the petitioner is general and omnibus



in nature. The petitioner and informant are already married. It is further submitted that the informant has alleged that the occurrence is of 2020 and the petitioner was on duty at the alleged time of occurrence. No such occurrence has been made by the petitioner. It is further submitted that no any complaint or police case was lodged by the victim at the time of occurrence. The petitioner is in custody since 04.02.2025 and has got no criminal antecedent. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. He has further placed reliance on cases of the Hon'ble Supreme Court since reported in ***2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Benta P.S. Case No. 38 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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