

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64028 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Santosh Kumar S/o Baban Ram Resident of village- Katarakala, P.S.-
Mohaniya, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhavesh Sah, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-01-2025 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and Mr. Raja Ram Mishra representing

the informant as also learned APP for the State.

2. The petitioner is in judicial custody in connection
with Mohaniya P.S. Case No. 76 of 2024 for the offences
punishable under Sections 341, 323, 379, 427, 376, 313/34 of the
Indian Penal Code, lodged on 06.02.2024 by the informant, Ranjan
Lata.

3. As per the prosecution story, the informant alleged
that the petitioner was committing rape for three years on false
assurance of marriage, she became pregnant, was beaten and he
ensured the abortion. She was again raped and again no alarm was
made later the family member wanted money and fed up with that
the F.I.R.

4. Learned Senior Counsel for the petitioner submits



that the lady is married, petitioner himself is having his family, the allegation if accepted, it was a consensual relationship between the parties, both being married, there is/was no question of any promise of marriage. Further, the lady has lodged 32 cases against different persons including her husband and father amongst other under section 376 of the IPC. This petitioner do not have criminal antecedent and is in custody since 21.07.2024 (paragraph no.13 of the petition).

5. Learned APP for the State as also learned counsel representing the informant opposes the prayer for bail submitting that the lady under section 164 of the Cr.P.C. has supported the prosecution story.

6. Though there is allegation, the fact remains that the petitioner has remained in custody since 21.07.2024 having no criminal antecedent. Although, the lady has supported her statement under section 164 of the Cr.P.C. but the fact remains that the F.I.R. itself shows that the rape took place three years ago, the lady alleges that he had given a promise of marriage, she having the knowledge that the petitioner is a married person, made relationship, in that background, F.I.R. lodged, he shall be facing the trial, this Court is dealing with the bail and is prima facie satisfied that the petitioner deserves bail.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohaniya, Kaimur in connection with Mohaniya P.S. Case No. 76 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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