

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68501 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- MAHILA P.S. District- Araria

Dipesh Kumar Son of Fagu Bishwas Resident of Village- Madheli, Ward No. 05, P.S- Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh., APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-01-2025 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 341, 376, 504, 506/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner establish physical relationship on the basis of false promise of marriage. It is alleged that the petitioner has been raping her and one day he called her in maize fields and raped there. When the informant pressurize her for marrying, he denied.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. From the perusal of the FIR, it seems that the



physical relationship was established many times and the recent one is that of 17.04.2023 but the FIR was lodged on 06.06.2023. There is no explanation of delay. The informant is minor. This kind of relationship does not comes in the ambit of rape. It is further submitted that the petitioner is languishing in judicial custody since 18.07.2024.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 21 of 2023 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, Araria.

Sudhanshu/-

(Ashok Kumar Pandey, J)

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