

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75525 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- AYARKOTHA District- Rohtas

Manoj Kumar Singh S/o- Raghubansh Singh Resident of village- Arjun bigha
PO- Harihat PS-Ayarkotha District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Alexander Ashok, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Sushant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 10-01-2025 Heard learned senior counsel for the petitioner as well as learned APP for the State and learned counsel appearing on behalf of the informant.

2. In the present case, the petitioner seeks bail in connection with Ayarkotha P.S. Case No. 24 of 2023, registered for the alleged offences under Sections 376, 313, 406, 420 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner giving inducement of marriage continued physical relationship with the informant for five years. The petitioner also aborted the pregnancy of the informant in the year 2018 and enticed the informant establishing physical relationship on a number of



occasions. Further, allegation against the petitioner is that he refused to marry the informant and thereafter uploaded obscene photograph of the informant on facebook and made it viral on mobile phone. He also took rupees ten thousand from the informant which he refused to return.

4. Learned senior counsel for the petitioner submits that the prosecution story is not believable and it appears to be a case of consensual relationship between the informant and the petitioner. During investigation it has been recorded that the petitioner is a married man having children and it is not probable that being the co-villager, the informant was not knowing this fact and still fell in love with the petitioner. The present case is not covered under the provisions of Sections 375/376 of the Indian Penal Code. Learned senior counsel further submits that the informant refused to produce the proof of abortion of pregnancy and refused to undergo to any medical examination. Learned senior counsel further submits that even the age of the informant appears to be doubtful as from Aadhar card she appears aged about 23 years whereas in her statement she has stated her age to be 20 years. Learned counsel further submits that the parents of the informant were all along knowing her relationship and they did not object during this period.



Learned senior counsel further submits that it is out and out a false case and petitioner is in custody since 02.08.2024 and charge sheet has been submitted. The petitioner has no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner forcibly made sexual relationship with the informant while she was a minor and thereafter continued this relationship on various occasions. Thereafter, the petitioner uploaded obscene photograph of the informant through his mobile phone. Learned counsel further submits that the petitioner has no intention of marrying the informant and he cheated the informant on this account and induced her in making physical relationship with her.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the long duration of the relationship which shows the relationship might be consensual in nature and further considering the submission of charge sheet, the petitioner above named is directed to 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 learned Judicial Magistrate, Ist Class, Dehri-On-Sone (Rohtas)/concerned Court in connection with Ayarkotha. P.S. Case No. 24 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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