

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80640 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- BHIMPUR District- Supaul

Sonu Kumar Son of Shatrughna Singh @ Shatrughan Singh Resident of
village-Bardaha, P.O- Nathpur, Police Station-Narpatganj District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Mukesh Kumar Rana, Advocate
For the State	:	Ms. Nirmala Kumari, APP
For the Informant	:	Ms. Dharam Shila Kumari, Advocate Mr. Ramdhar Shekhar, Advocate

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

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Bhimpur P.S. Case No. 38 of 2024 instituted for the offence

under Sections 341, 323, 376, 417, 504/34 of the Indian Penal

Code.

3. Prosecution case in short is that informant was in a

relationship with petitioner for six months and left home with

him on 15-03-2024 after he promised marriage. He allegedly

forced physical relations with her in a maize field and later at

his shop. The next morning, he asked her to return home, but



she refused. Subsequently, accused persons assaulted her, abused her, and abandoned her near a canal.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28-06-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of seven days in lodging of the FIR. Learned counsel for the petitioner submits that victim in her statement recorded under Section 164 of the Cr.P.C has given different statement, in which she has not alleged about physical relation with the petitioner. It is submitted that there was consensual sexual relationship between the petitioner and the informant. In this context, learned counsel for the petitioner has relied upon a judgment of the Hon'ble Apex Court in the cases of *Pramod Suryabhan Pawar vs. State of Maharashtra & Anr.* reported in (2019) 9 SCC 608, & *Sonu @ Subhash Kumar vs. State of Uttar Pradesh & Anr.*, reported in (2021) 18 SCC 517.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the



prosecution case, which fact finds mention at paragraph Nos. 4 & 5 of the case diary. Informant-victim in her statement recorded under Section 161 of the Cr.P.C. has alleged that the petitioner committed rape upon her and also got her pregnancy aborted.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being consensual relationship between the petitioner and the victim, for which reliance is placed on the aforesaid judgments of the Hon'ble Apex Court and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Bhimpur 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)

Raj Kishore/-

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