

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A .No. 9112 of 2022

Rajnikant Kumar @ Rajnikant Kushwaha Petitioner
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner : Mr. Sabyasanchi, Advocate
For the State : Mr. Sardhu Mahto, APP

Order No. 05 /Dated: 21st October, 2022

Heard Mr. Sabyasanchi, the learned counsel for the petitioner and Mr. Sardhu Mahto, the learned APP for the State.

The learned counsel for the petitioner submits that this is a case of consensual relationship between the petitioner and the informant and for this in no way petitioner can be alleged to have committed any sexual crime. He says that the petitioner and the informant both are adults and alleged victim girl is aged about 21 years and used to talk with accused person. They were facebook friends and they exchanged their mobile numbers and continue to communicate with each other in both medium and thereafter they developed physical relationships and the allegation is that the petitioner has said that he will marry but he had later on refused and therefore for these allegations the petitioner should not be held guilty for this offence. Moreover he says that there is no date or time indicated in the FIR regarding initial physical relationship or the continuing physical relationship, moreover he is in custody from 02.05.2022 and therefore, he deserves bail.

Learned counsel for the State, on the other hand, has opposed the bail application and stated that from the FIR it is clear that there was sexual exploitation by the petitioner of the alleged victim on the pretext of marriage. Learned counsel further submits the the alleged victim girl in her statement under section 164 of the Cr.P.C. has clearly supported the prosecution case and she has also emphatically stated that on the false pretext of marriage petitioner continuously made sex with her. Counsel further stated that this is case of alleged offence that has been registered.

Having heard both counsels, gone through the records of the case and in the facts and circumstances of the case, I am not inclined to release the petitioner, named above, on bail at this stage.

Accordingly, the bail application of the petitioner is rejected at this stage.

(Ratnaker Bhengra, J.)