

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19228 of 2014

Arising Out of PS.Case No. -11 Year- 2013 Thana -MAHILA P.S. District- PATNA

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Vikash Kumar Son of Late Lalan Paswan resident of village- Jindapur, P.S.-
Karpi, Distt.- Arwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Akbar Ali (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 13-01-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody
since 17.04.2013 in a case registered for the offences punishable
under Section 376 of the Indian Penal Code.

It is alleged by the informant that on
12.04.2013 at 6.30 A.M. she found her husband in objectionable
posture with her daughter Kaushiki . Subsequently daughter also
admitted that the father committed rape with her, consequently the
complaint was filed. Subsequently the accusation was supported
by the informant and her daughter in their 164 Cr.P.C. statements

It is submitted b y learned senior counsel for
the petitioner that immediately after the occurrence on 12.04.2013,



the victim was medically examined which completely negates the accusation of rape though the victim was found aged about 14-15 years. The informant and the victim were schizophrenic and since the victim performed very poor at the examination, the victim was also assaulted by her father for performing poorly at the examination, hence, the accusation was levelled. The informant and the victim filed petitions before the D.G. of Police on 22.04.2013 as well as before the learned court below on 02.05.2013 by appearing personally and retracted from the accusation.

The name of the petitioner surfaced during investigation when the victim in her 164 Cr.P.C. statement suggested that this petitioner being the domestic help misdirected the victim by showing her pornographic video and establishing physical relationship when the victim was studying in Class IV. This fact has also been suggested by the teacher and the Principal of the school of the victim as being conveyed to them by the victim.

Though, the accusation is shocking to the conscience of the case, but considering the fact that the petitioner was neither named in the First Information Report nor any accusation was levelled, the victim girl and the informant retracted

from the accusation levelled in the First Information Report against the FIR named accused extending to grant of the bail and the period under custody, let the above named 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 learned Additional Sessions Judge-VII, Patna in connection with Sessions Trial No. 306 of 2014 arising out of Patna Mahila P.S. Case No. 11 of 2013.

The learned court below will positively cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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