

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41513 of 2014

Arising Out of PS.Case No. -312 Year- 2014 Thana -BARACHATTI District- GAYA

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Vikash Kumar @ Vikash Prajapati

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Sanjay Kumar @ Manu, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 23-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 16.07.2014 in a case registered for the offences punishable under Sections 312, 376 of the Indian Penal Code and 3(1)(xii) of the SC/ST (Prevention of Atrocities) Act.

It is alleged that the petitioner established forceful physical relationship with the informant on promise to provide employment and subsequently got the pregnancy terminated.

It is submitted by learned counsel for the petitioner that the informant was appointed as Tola Sewak by the petitioner being the Headmaster of a Meddle School, Dobah, but subsequently it was found that the informant got herself appointed as Tola Sewak on the basis of forged caste certificate hence

her appointment was cancelled. Hence, as retaliatory measure, the present case has been lodged.

In 164 Cr. P.C. statement, the victim got her age recorded 19 years when the court also assessed as such where she stated that she conveyed to her mother that she married with the petitioner. Though during investigation it was found that pregnancy was terminated but the statement of the doctor of Ultrasound Clinic recorded in paragraph no. 44 of the case diary reflects that for getting the pregnancy terminated the victim went to Ultrasound Clinic with her father. A statement has been made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Sherghati, Gaya, in connection with Barachatti P.S. Case No. 312 of 2014.

U.K./-

(Dinesh Kumar Singh, J)

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