

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49390 of 2014

Arising Out of PS.Case No. -123 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Sudhir Kumar Bharti Son of Haribansh Ram Resident of Village -
Harnathpur, Police Station - Mohania, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Pandey, Advocate.

For the Opposite Party/s : Mr. P.N.Pandit (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-03-2015

Heard both sides.

The petitioner seeks bail in Mohania P.S. Case No. 123
of 2014, registered for the offences punishable under Section 376
and other Sections of the Indian Penal Code.

The informant alleged that the petitioner being a
constable solemnized marriage with her in a Hanuman Temple and
she came to know after a month that the petitioner was earlier
married. The informant alleged that the petitioner committed rape
with her and she became pregnant. The petitioner took Rs.
62,000/- from her and also threatened to kill her.

Learned counsel for the petitioner submits that the
informant herself stated that the marriage was solemnized in a
temple. The informant is a major girl. The informant is in the habit



of filing of such cases. As the informant filed Bhabua P.S. Case No. 358 of 2011 under Sections 354, 384 and other Sections of the Indian Penal Code and Section 3 (i)(x) of the S.C./S.T. Act against Dara Singh and others, Bhabua P.S. Case No. 391 of 2010 was registered against Nawal Kishore the teacher under Sections 3 (i)(x) of the S.C./S.T. Act , Bhabua P.S. Case No. 272 of 2012 under Section 379 and other Sections of the Indian Penal Code against Shankar Sah and others, Patna Sadar Mahila P.S. Case No. 32 of 2014 under Section 376 and other Sections of the Indian Penal Code against her own father Bahadur Ram. The petitioner is in jail since 19.08.2014.

Learned counsel for the informant and the State vehemently opposed the prayer for bail and submitted that, of course, the informant is a major, but the petitioner cheated her and solemnized marriage with the petitioner concealing the facts of his first marriage. The victim is an unfortunate lady. Firstly, her father committed rape with her, thereafter, the petitioner and others also misused her.

On perusal of records, it appears that the victim is a major girl. She herself stated that she solemnized marriage with the petitioner in a temple and she came to know about the first marriage of the petitioner about one month after her marriage, but

she did not take any step for dissolution of her marriage. During the subsistence of her marriage the victim alleged that the petitioner committed rape with her. It appears that the victim has filed so many cases and she also filed a case of rape against her own father.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 123 of 2014.

The learned counsel for the informant prayed that let the trial be expedited. Accordingly, the trial court is directed to expedite the trial.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--