

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31348 of 2014

Arising Out of PS.Case No. -5 Year- 2014 Thana -BIBHUTIPUR District- SAMASTIPUR

Sanjay Kumar Son of Baleshwar Sah Resident of village - Singhiaghat,
P.S. Bibhutipur, District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan (App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 12-01-2015 Heard both sides.

The petitioner Sanjay Kumar seeks regular bail in
Bibhutipur P.S. Case No. 5 of 2014 for the offence registered
under Section 376 and other allied sections of the Indian Penal
Code and Section 3 of the Dowry Prohibition Act and Section 4
of the POSCO Act.

The victim filed a complaint petition bearing
Complaint Case No. 1177 of 2013. On the basis of the said
complaint, the present FIR was lodged. She alleged that while

she was studying in Class – VIII, the petitioner took her to his house and committed rape but after some time, he consoled her and accorded to marry with her. She further alleged that in the year 2009, petitioner put vermillion in her head temporarily. Thereafter, she began to live as husband and wife. The informant became pregnant but her pregnancy was terminated. The informant again became pregnant and her pregnancy was terminated, on the pretext that he will marry with the informant.

Learned counsel for the petitioner submits that the petitioner passed master of Arts in the year 2005 and therefore, the allegation that the petitioner was studying with the informant is false. The petitioner got job in Railway Department and thereafter, the complainant-informant filed this case, making false and frivolous allegation. The story of living as husband and wife for about 4 years without getting herself married with the petitioner, appears to be palpably false.

Learned counsel for the informant opposed the prayer for bail and submitted that it was the petitioner, who committed rape upon the informant.

It appears that first occurrence took place in the year 2006 but thereafter, the informant herself stated that she started living with the petitioner as husband and wife and she became

pregnant twice.

Considering the facts and circumstances of the case and the petitioner is in custody since 26.03.204, 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 Judicial Magistrate, 1st Class, Rosera, District – Samastipur in connection with Bibhutipur P.S. Case No. 05 of 2014.

(Prabhat Kumar Jha, J)

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