

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9649 of 2016

Arising Out of PS.Case No. -101 Year- 2015 Thana -MAHILA P.S District- SUPAUL

Vijay Kumar Vijeta @ Vijay Yadav, S/o Ashrafi Yadav, Resident of village- Rampur Purnwas Panchayat ,Ramdatpatti, P.S. Supaul, District Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 13-04-2016 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Supaul Mahila P.S. Case No. 101 of 2015 registered under Sections 354, 376, 323, 379, 504 and 506 of the Indian Penal Code.

The prosecution case is that informant, Kanchan Devi, was living alone as her husband was living at Delhi for his livelihood. Before three months, she went to the cosmetic shop of petitioner where petitioner talked with her in filthy language then she left the shop but the petitioner started to follow and teasing her. Before two months petitioner entered in her house and



committed rape on the point of knife giving threatening of dire consequences. The petitioner continuously committed rape on her on the point of knife. Thereafter, informant called her husband and disclosed this fact, on which, her husband convened a Panchayat, in which, accused persons named in the F.I.R. including the petitioner started to cause assault to her husband and at that time, co-accused, Ram Lakhan Yadav and Shiv Narayan Yadav took the cash of Rs. 20000/- from the pocket of her husband and accused Babita Devi and Anita Devi snatched the gold chain worth of Rs.30,000/- to the neck of the informant.

Learned counsel for the petitioner submits that, in fact, petitioner and the informant are co-villagers and the cosmetic shop of brother-in-law of the informant is also situated nearby the cosmetic shop of petitioner and due to business petitioner has falsely been implicated in this case due to ulterior motive and he has no criminal antecedent. While the Panchayat is said to be failed as arranged regarding the occurrence of rape on 02.12.2015 but the F.I.R. is lodged on 15.12.2015.

Under the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-

(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul, in connection with Mahila P.S. Case No. 101 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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