

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4595 of 2017

Arising Out of PS.Case No. -751 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Neeraj Kumar Gupta @ Neeraj Gupta, Son of Sashi Bhushan Gupta,
resident of Mohalla- Masjid Chowk, Magarhatta, P.S.- Town Hajipur,
District- Vaishali. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 04-04-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Hajipur Town P.S.
Case No. 751 of 2016 registered for the offences punishable under
Sections 420, 376/34 of the Indian Penal Code.

Allegedly, the petitioner developed physical relationship
with the complainant/informant on the assurance to marry with
her and thereafter, started living with the informant as husband
and wife and out of the wedlock a son was born and thereafter, the
petitioner on 18.09.2016 came with one Mukesh Rai and Lallan
Sah and directed the informant to share the bed with them which
was refused then she was assaulted, resulting, she was kept
confined for two days in the house and ultimately, on 20.09.2016
her all the articles were taken away by the petitioner and the



petitioner told her that now she is free and he will not keep her.

Submission is of false implication and that no offence under Section 376 IPC is made out, it was consented sex, the petitioner has taken all the care earlier and the informant is in habit to lodge case one after another. Earlier the informant has lodged case against his husband Vicky Kumar and others vide Sadar P.S. Case No. 163 of 2015 under Sections 498A, 506, 497/34 of the of the Indian Penal Code alleging that she was married with Vicky Kumar and now she has filed this case against the petitioner only with a view to extract money. The petitioner without any fault is suffering in custody since 14.11.2016 and as such he deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has committed heinous crime by directing the informant to share the bed with others and for that she was assaulted, out of the wedlock there is a son also and now they have been ousted.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of 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, Vaishali at Hajipur in connection with Hazipur Town P.S. Case No. 751 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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