

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42099 of 2017

Arising Out of PS.Case No. -74 Year- 2017 Thana -RUPASPUR District- PATNA

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Binay Kumar Singh @ Vinay Kumar Singh, son of Late Krishna Mohan Prasad Singh, Resident of Village- Sona, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Vilochan Tiwary, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 08-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest **in Rupaspur P.S.**

Case No. 74 of 2017 instituted for the offence under Sections 376, 354©, 506, 420 of the Indian Penal Code and Section 66(E) of I.T. (Amendment) Act, 2008.

It is alleged in the written report that the petitioner made sexual relation with the informant by giving threat.

The victim (informant) has given her statement under Section 164 Cr. P.C., wherein she has stated about petitioner establishing physical relationship with her by giving threat. The victim girl was medically examined wherein the Doctor has assessed her age between 17-18 years. The learned Magistrate has assessed the age of victim girl in her statement under Section 164 Cr. P.C. to be 25 years.

Learned counsel for the informant has appeared and filed



counter affidavit alleging therein that petitioner has committed rape with the informant and also prepared video clip and took photograph. He also gave threat to the informant and her family members.

Learned counsel for the petitioner has submitted that petitioner was residing in live-in-relationship with the informant with her consent. The petitioner has filed documents showing that he has purchased a Flat in Murlidhar Vatika, situated in West of I.A.S. Colony, P.S. Danapur, Distt. Patna after taking Housing loan from Axis Bank, as would be evident from the sale deed as contained in Annexure 2 and 3 wherein the name of the informant has been described as wife of the petitioner.

From perusal of sale deed (Annexure-3), it appears that even in PAN Card, the name of the informant has been mentioned as wife of the petitioner. The Photo of the informant is also available on the sale deed.

From Annexure-2 and 3 it appears that both victim girl (informant) and petitioner were living together and knowing each other.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, **in connection with Rupaspur P.S. Case No. 74 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate**,



Danapur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petitioner after grant of anticipatory bail, will not in any manner give threat or commit torture either with the informant or her family members. In the event the petitioner does such act and information is given in the court below by the informant by filing petition, and the court below after hearing both parties finds the allegation correct the court below will cancel the bail bonds of the petitioner.

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(Sanjay Priya, J)

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