

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 52757 of 2016

Arising out of P.S. Case No. - 180 Year - 2016 Thana – MINAPUR District - MUZAFFARPUR

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VIVEK KUMAR @VIKKU, S/o Arvind Kumar Singh @ Lal Babu Singh,
Resident of Village - Bhelaipur, P.S. - Minapur (O.P. Panapur), District -
Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. Rita Devi, W/o Rajeshwar Kumar Das

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate
For the O.P. No. 2 : Mr. Sanjay Kumar, Advocate
For the Opposite Party : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 07-03-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 376 of the Indian Penal Code.

The petitioner gave his fardbeyan on 17.06.2016 at
the emergency ward of Sri Krishna Medical College and Hospital,
Muzaffarpur wherein he alleged that husband of the informant of the
present case had taken loan of Rs.25,000/-. He was not refunding the
same. On 14.06.2016, he called the petitioner to his house to refund the
money. At the house, three different persons bitterly assaulted the
petitioner leaving him half dead. Further allegation is commission of
theft also.

Thereafter the present complaint based FIR has been
registered. The complaint was filed on 20.06.2016 alleging therein that



on 14.06.2016, the petitioner forcefully took the complainant towards the back side of house of one Radha Singh and committed rape thereat.

Submission of the petitioner is that false allegation is there due to save the skin from earlier case. The petitioner is in custody since 30.09.2016. The trial is already going on. The victim has already been examined in the case. There is no scope of tampering with the evidence. The petitioner undertakes that he would fully co-operate with the investigation and would not indulge in tampering with the evidence.

Learned counsel for the informant opposed the prayer for bail on the ground that in the event of release, the petitioner may tamper with the evidence and influence the trial.

Considering the background of the allegation which is not explained in the present FIR, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Muzaffarpur/successor Court in connection with Minapur Police Station Case No. 180 of 2016, subject to the condition that the petitioner would fully co-operate with the trial and shall not indulge in any activity prejudicial to the fair trial of the case.

Kundan

(Birendra Kumar, J)

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