

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41385 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -MAHILA P.S. District- MUZAFFARPUR

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1. Vishnu Kumar S/o Binod Kumar @ Binod Kumar Sah, R/o Mohalla-Satpura, P.S.- Kazimohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-08-2018 Heard learned counsel for the petitioner, the informant as well as the State.

The petitioner apprehends his arrest in Mahila P.S. Case No. 19/2018, instituted for the offences punishable under Sections 376 and 506 of the Indian Penal Code read with Section 66(E) of the I.T. Act.

It is alleged in the written that the friendship between the informant and this petitioner developed in the hotel of petitioner in the year 2017 and later on while celebrating the birthday party in his hotel, the petitioner gave her cold drink with intoxicating substance and thereafter she became unconscious. Taking advantage of unconsciousness, the petitioner established physical relation with her and took snap of physical relation. It is further alleged that the petitioner gave threat to the informant of



making viral her photo. The petitioner further established physical relation on 17.04.2018. It is further alleged that the petitioner came to the house of the informant and established physical relation with her in absence of family member and when her parents came on alarm then the petitioner gave threat to destroy her image in society.

Learned counsel for the petitioner has submitted that the victim girl has given her statement under Section 164 Cr.P.C., which is mentioned in para 55 of the case diary wherein she has stated that she is not in possession of any video. She has further stated in her statement before the police in para 35 that earlier she was married with Deepak Pandey and after divorce she has performed marriage with Amar Nath Kumar.

Counsel for informant has submitted that victim has levelled allegation against the petitioner in her statement under Section 164 Cr.P.C.

This Court after looking into the statement of the victim girl under Section 164 Cr.P.C. as mentioned in para 35 of the case diary as well as allegation in the written report finds that both the informant and petitioner were knowing each other and even if allegation is taken to be true, there was no any forcible relationship between the parties.

Learned counsel for the petitioner submits that the occurrence is alleged to have taken place on 17.04.2018 and the case



has been lodged on 23.04.2018.

Considering the facts and circumstances of the case, the 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 Mahila P.S. Case No. 19/2018, 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 the learned A.C.J.M.-cum-Sub Judge VIIth, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the 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 tamper 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.

(Sanjay Priya, J.)

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