

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23643 of 2018**

Arising Out of PS.Case No. -191 Year- 2017 Thana -MAHILA P.S District- SUPAUL

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Birbal Kumar Mehta @ Virwal Kumar Mehta @ Virwal Kumar, Son of  
Suresh Mehta, Resident of Village- Bauraha, P.S.- Karajin, District-  
Supaul.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      17-05-2018                      Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Supaul  
Mahila P.S.Case No.191 of 2017 registered for an offence under  
Section 376 and 313/34 of the IPC.

As per written report submitted to the SHO of Mahila  
police station, Supaul this petitioner entered into the room of the  
informant and forcibly committed rape. The petitioner allegedly  
threatened her not to disclose about the occurrence and thereafter  
continued physical relation giving false assurance to marry her.  
She has further stated that on account of intercourse she conceived  
and on the date of lodging FIR, she was carrying pregnancy of 2  
½ months. The petitioner married in a temple and thereafter  
started residing with the informant as wife and husband. The other



co-accused persons allegedly started torturing in connection with demand of dowry and ousted from the house.

Learned counsel for the petitioner submits that the informant of this case is a married lady which is apparent from the written report itself. There is delay of more than 4½ months in lodging the FIR. The allegation of rape is omnibus. She has lodged the case only to extort money and wrongful gain at the instance of some of the enemies. Petitioner is a college going student having clean antecedent and he is in custody since 13.01.2018.

The learned APP opposed the submissions.

On perusal of written report, which is computerized printed, it appears that the case was lodged after four and half months of the alleged occurrence. The informant has asserted that she started residing with the petitioner after alleged offence of rape. The allegation of causing miscarriage also appears omnibus. From the case diary, it further appears that the witnesses have not supported the allegation of performing marriage after the alleged rape.

Considering the aforesaid facts and circumstances, the prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of SDJM, Supaul, District-Supaul in connection with  
Supaul Mahila P.S.Case No.191 of 2017 subject to the following  
conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

**(Sanjay Kumar, J)**

B.Kr./-

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