

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18632 of 2018

Arising Out of PS. Case No.-92 Year-2017 Thana- MAHILA P.S. District- Rohtas

Vikash Kumar Chandan @ Vikash Chandan, Son of Dr. Chandan Dwivedi,
Resident of Mohalla- New Area, Pali Road, P.S.- Dehri Town, District-
Rohtas ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Kanhaiya Pandey, Adv.
For the State : Mr. Ganesh Prasad Singh, APP 198
For the informant : Mr. Ajay Kumar Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner apprehends his arrest in connection
with Dehri Mahila P.S. Case No. 92 of 2017 instituted for the
offence under Sections 376, 323, 341, 342 and 506/34 of the
Indian Penal Code.

Learned counsel for the petitioner has submitted
that the alleged occurrence is said to have taken place on
27.12.2017 and the victim lady was medically examined on
very next day, i.e., 28.12.2017 and the doctor did not find any
sign of rape on her. Learned counsel for the petitioner further
submitted that the informant after divorcing her first wife has
developed relationship with this petitioner and both were
known to each other. Learned counsel for the petitioner has



further submitted that the petitioner has been falsely implicated in this case because he raised objection for some extra marital affairs of the informant.

Learned counsel for the informant has denied of having extra marital affairs with other person. Learned counsel for the informant further submitted that injuries have been found on the person of the informant, which is available in paragraph 14 of the case diary.

The learned Additional Public Prosecutor has submitted that the doctor has found one abrasion over right eye and opinion was kept reserved with regard to the aforesaid injury and injury no. 2 was found to be simple in nature.

In the written report there is allegation that while informant was working in her house she heard sound and went over roof of house and found this petitioner climbing the roof. It is, further, alleged that the petitioner put country made pistol on her head and, thereafter, he took her in a kitchen room and injured her face with butt of pistol and committed rape with her twice. The victim has been medically examined on the very next day, i.e., 28.12.2017. The doctor did not find



any spermatozoa or any sign of rape.

Learned counsel for the petitioner, further, submitted that in paragraph 3 of the petition statement of the son of the informant has been recorded wherein he has stated that this petitioner used to come to the house and look after him and his mother and used to take care of him as father.

Thus, under the circumstances, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Dehri Mahila P.S. Case No. 92 of 2017** he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, Rohtas at Sasaram**, subject to the conditions as laid down under Section 438(2) Criminal Procedure Code 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

(Sanjay Priya, J)

Shamshad/-

U		T	
---	--	---	--

