

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13640 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- SAHODARA District- West Champaran

Vijay Kumar @ Vijay Khojwar @ Munna Khojwar Son of Anarsi Khojwar,
Resident of Village - Phakaul, P.S.- Sahodara, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pangu Devi @ Tannu Devi Daughter of Keshwar Mahto, Resident of Village
- Kherwa Tola, P.s.- Sahodra, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyavrat Verma
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-03-2019 Heard both sides.

The petitioner apprehends his arrest in Sahodara P.S.
Case No.73 of 2018 registered under Sections 376, 406, 504,
506 and 34 of the Indian Penal Code.

The victim states that she has been working in Delhi
for last ten years. One Vijay Khojwar who is resident of
neighbouring village of the informant came in contact with her
and established physical relation on the pretext of solemnizing
marriage. The father of the petitioner also came to Delhi for
treatment and he after knowing the facts gave his consent for



solemnizing marriage but later on the petitioner refused to marry.

Learned counsel for the petitioner submits that the informant was firstly married with Roop Narayan son of Sukhdeo Mahto in the year 2003. She got two children. Later on again she solemnized marriage with one Sikandar Mahto after deserting her first husband. The victim also deserted her second husband. The petitioner never established physical relation with the victim. Even if for the sake of argument the allegation as made be taken on its face value, the victim is a consenting party.

Having considered the facts that the occurrence took place in Delhi but the victim lodged the case in Sahodara P.S. falling within the district of West Champaran. The victim is a major woman and from the facts alleged by her, she appears a consenting party, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 S.D.J.M., Narkatiaganj, West Champaran in connection with Sahodara P.S. Case No.73 of 2018, subject to the conditions as



laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Prabhat Kumar Jha, J)

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