

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20935 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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AMIT JAIN Son of Ratan Kumar Jain Resident of Village- Chunihari Tola,
P.S.- Kotwali, Bhagalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22420 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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RAJESH KUMAR SHARMA @ RAJESH SHARMA Son of Nirmal Kumar
Sharma, Resident of Mohalla-Chunihari Tola, Police Station-Kotwali,
District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20935 of 2019)

with

(In CRIMINAL MISCELLANEOUS No. 22420 of 2019)

For the Petitioners	:	Mr.Bachan Jee Ojha Mr. Mritunjay Kumar
For the Opposite Party/s :		Mr.Ashok Kumar (Cr. Misc. No.20935/19) Mr. Nirmal Kumar (Cr. Misc. No.22420/19)

For the Informant	:	Mr. N.K. Agrawal, Sr.Adv. Mr. Diwakar Upadhyaya Miss. Preety Kumari
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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-06-2019 Both the cases arises out of same P.S.Case Number,

as such they are being taken together for disposal.

Prosecution story in short is that the informant was



married with the petitioner Rajesh Kumar Sharma @ Rajesh Sharma (Cr. Misc. No.22420/19) and for few days she was kept well but thereafter they started demanding jewellery and she was forced to give same, thereafter they started demanding Rs.05 lack and they started assaulting her. It is alleged that the petitioner Rajesh Kumar Sharma used to call his friend Amit Jain (Cr. Misc. No.20935/19) and started taking liquor in the bed room and when she protested she was slapped and she was also asked to take bear but any how she refused. It is further stated that her husband after leaving his friend have unnatural sex with her. It is further alleged that after two days, the petitioner Amit Jain came and have liquor with her husband and also forced her to take liquor and thereafter in front of her husband, he disrobed her and started making illicit act and also took her photographs; due to that she was under fear and she informed her mother-in-law also but she could not help her and the accused persons were forcing her to commit suicide.

Submission of the learned counsel for the petitioner Amit Jain is that even from the FIR it appears that the occurrence took place at her *Sasural* and in her *Sasural*, several other persons were also residing and in front of them such type of activity is not possible, as such the prosecution story suffers



from improbabilities and the allegation of having unnatural sex is also against the petitioner Rajesh Kumar Sharma. It has also been submitted that CCTV camera was also installed in the house of her *Sasural* but no CCTV footage was provided.

On the other hand, submission of the learned counsel for the petitioner Rajesh Kumar Sharma is that on the facts as stated above, no offences is made out under Sections 354 (B) and 377 of the Indian Penal Code and even no case is made out under Section 498A of the IPC and the petitioner is still ready to keep her but as a matter of fact the informant is not ready to reside with the petitioner, hence, this false and concocted case has been lodged.

On the other hand, learned APP and the learned Senior counsel for the informant has opposed the prayer for bail and stated that the informant has supported the aforesaid allegation in para 15 of the case diary and the medical report which is in para 29 also supports the allegation and as such the petitioner does not deserve anticipatory bail.

Having heard both sides and in view of the facts and circumstances as stated above and also considering the allegation and the materials in the case diary, this Court is not inclined to grant privilege of anticipatory bail, as such the same



is dismissed. However, if the petitioner surrenders and make prayer for regular bail, the same shall be considered on its own merit.

(Vinod Kumar Sinha, J)

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