

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61347 of 2019

Arising Out of PS. Case No.-243 Year-2019 Thana- PATNA CITY CHOWK District- Patna

VIVEK KUMAR, aged about 28 years, Male, Son of Binod Kumar, Resident
of - Nai Sadak, Party Gali Chowk, Patna City, P.S.- Chowk, Distt – Patna
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mr. Najmul Hoda, Adv.
For the State	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Mr. Rakesh Ranjan Kaushik, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioner, the learned
counsel for the informant and learned Additional Public
Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Chowk P.S. Case No. 243 of 2019 for the offences alleged under
Sections 376, 120B, 323, 506 and 34 of the Indian Penal Code.

The accusation is that informant, Payal Raj Hans,
came in touch of the petitioner in course of going to City Gym,
situated at Patna City, Patna. Later on, informant was
accompanied by the petitioner in a hotel where she was served
cold drink and on taking the same she became unconscious,
thereafter, the petitioner committed rape and also prepared her
nude photograph and started to develop physical relation
showing her nude photograph. At the occasion of marriage of



the sister of the petitioner, informant was also taken by the petitioner at his house where petitioner also committed rape. Informant had given an application to Mahila Police Station where the informant was called on 23.06.2019 and gave assurance to perform the marriage, then, she withdrew the application, but, recently petitioner wanted to perform his marriage at other place.

Submission is that, in fact, the informant is a married lady and she has one child and she has also filed the Matrimonial (Divorce) Suit No. 273 of 2019 against her husband, Manish Kumar, in the Court of Principal Judge, Family Court, Patna, which is still pending, hence, no question arises about solemnizing the marriage with the petitioner. The informant is the lady of easy virtue and the present case has been filed against the petitioner so that petitioner may be compelled to perform the marriage without her divorce with her husband, Manish Kumar.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Chowk P.S. Case No. 243 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees



ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Niharika, Additional Chief Judicial Magistrate, II, Patna City, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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