

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65613 of 2019

Arising Out of PS. Case No.-192 Year-2019 Thana- PIPRA District- East Champaran

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Bidyapati Kumar, S/o Shatrudhan Prasad, R/o village- Mahuawa, P.S.- Pipra,
District- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail in connection with Pipra P.S. Case No.192 of 2019 registered for the offence punishable under Sections 376(G), 328 and 420/34 of the Indian Penal Code.

Learned counsel for the petitioner at the outset submits that although the case has been registered under Section 376(G) of the Indian Penal Code, but on perusal of the allegations and the materials which have been brought in course of investigation it would appear that it would not be like other cases. In this case although the allegation in the FIR is that when the informant had gone to the house of her friend who happened to be the sister of this petitioner, this petitioner had under a conspiracy gave her some sort of intoxicated materials and thereafter this petitioner committed rape on her, but in course of investigation as also from



the materials which are on the record it may be seen that the petitioner and the victim girl both are adult and with their own will and volition they had solemnized marriage in temple on 14.01.2019 itself and in this regard they have sworn separate affidavits in presence of the notary public, Civil Court, Motihari with their joint photographs affixed on the affidavit dated 16.01.2019.

The fact that they had solemnized marriage against the will of the father of the victim girl has also been stated by an independent witness in course of his statement and the same is recorded in paragraph 8 of the case diary. It is also revealed in course of investigation that a Panchayati had been held and there it was decided to get both the parties separated from each other but petitioner was not ready for this and he was opposing the marriage of the victim girl with any other person.

Learned counsel has further pointed out from Annexure-3 i.e. the medical report of the Sadar Hospital, East Champaran, Motihari that age of the victim girl has been assessed as 18 years and above and further the medical report shows that in course of medical examination no injury was found on the body of the informant and the doctors have not recorded any opinion as to any sexual assault. Learned counsel therefore submits that in view of the materials collected in course of investigation and the kind of



information which have come on the record it seems that after the victim girl had solemnized the marriage, under pressure of her parents now she has come out with this allegation.

Learned APP for the State has opposed the prayer for regular bail, but at the same time he has upon going through the materials collected in the case diary read out paragraph 8 thereof in which the independent witness has said about the fact that the petitioner and the victim girl had been in relationship since last two years, this fact was known to the family of the victim girl and thereafter both of them had solemnized marriage in temple which was not liked by the family of the informant and a panchayati was held thereafter.

Considering these facts which are available on the record at this stage showing that some materials have come to support the plea of the petitioner that the petitioner and the victim girl had solemnized their marriage, both of them are adults and this case has been registered only at a later stage because the family of the victim girl did not like this marriage as also that the medical report does not disclose any commission of rape, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra



P.S. Case No.192 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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