

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74726 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- PIRBAHOR District- Patna

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Vikash Kumar @ Vikky Son of Shyam Rajak @ Sri Shyam Babu Rajak @
Shyam Kumar Rajak Resident of Mohalla - Golakpur behind Balu Khatal,
P.S.- Pirbahore, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of bail in a case registered for the offence under sections
376,323,504,506 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the informant states
that the petitioner giving an impression that he would marry her
daughter, physically exploited her as a result of which she
became pregnant. It is further stated that when pressure was
built up to marry her, he ran away.

It is submitted by learned counsel for the petitioner
that the statement of the informant's daughter was recorded
under section 164 Cr.P.C from which it would be evident that
the said daughter of the informant is a major and that she has



categorically stated that initially the petitioner was not ready to marry her for the reason that he was not doing any work. She further stated that physical relationship was established between the two as a result of which she became pregnant. It is further stated that the petitioner is ready to marry her. Counsel for the petitioner relies on the judgment of the Hon'ble Apex Court in the case of Pramod Suryabhan Pawar vs. State of Maharashtra reported in [2019] ACR 940 and submits that in view of the law laid down by the Hon'ble Apex Court, no offence under section 376 would be made out against the petitioner.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the contents of the statement of the victim under section 164 Cr.P.C, the petitioner being in custody since 28.08.2019 and having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case no.



200 of 2017.

(Partha Sarthy, J)

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