

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24695 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- KUDHNI District- Muzaffarpur

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VIJAY KUMAR Son of Vishambhar Ram Resident of Village- Jagarnathpur,
P.S.- Kurhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Kurhani (Kudhani) P.S. Case



no. 98 of 2020 instituted for the offence under Section(s) 366 and 376 of the IPC.

The informant has alleged that the petitioner has established physical relationship with her and on the pretext of solemnizing marriage with her and also took her to Chandigarh. It is alleged thereafter he has abandoned her. The informant herself claims that there is pre existing marriage solemnized ten years prior to the occurrence out of which wedlock two children are existing from before.

It is submitted by the petitioner's counsel that the nature of occurrence itself is suggestive of falsity of the allegation. The petitioner is innocent and has been implicated to coerce him into an illicit relation with the informant. The informant, ever as per the FIR, is married lady and she is residing with her husband. The falsity of the allegation is also evident from the fact that she has refused to subject herself to medical examination for verification of the allegation. Charge sheet has been submitted in the case.

The petitioner is in custody since 20.02.2020 and has no criminal antecedent.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above



named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM 3rd (west) Muzaffarpur in connection with kurhani (Kudhani) P.S. Case no. 98 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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