

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30855 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- BAKHTIYARPUR District- Patna

Vikki Kumar @ Vicky Kumar Son of Shri Nand Lal Chaudhary Resident of
Village - Abumohamadpur, P.S.- Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary

For the Opposite Party/s : Mrs. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 23-11-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four weeks
after restoration of normalcy.

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

The petitioner seeks bail in a case for the offence registered
under Section 376 of the Indian Penal Code.

Allegedly, the petitioner offered sweets to the informant
(victim). The informant ate the sweet and became unconscious. It is
further alleged that the petitioner took the informant in the room and
established physical relationship with her. It is also alleged that when
the informant regained consciousness, the petitioner assured her to
solemnize marriage with her but later on, the petitioner refused to
marry her.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 02-03-2020. Charge sheet/Prosecution report in this case has already been submitted. There is allegation against the petitioner of commission of rape on the pretext of marriage. It was a consensual physical relationship which was established between the parties. The petitioner has further relied upon a judgment dated 28-09-2020 passed by the Apex Court passed in the case of **Maheshwar Tigga Vs The State of Jharkhand passed in Cr. Appeal No. 635 of 2020 corresponding to SLP (Cri.) No. 393 of 2020.**

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 learned Additional Chief Judicial Magistrate-, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 32 of 2020.

(Sudhir Singh, J)

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