

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77116 of 2019

Arising Out of PS. Case No.-47 Year-2018 Thana- MAHILA P.S. District- Patna

VIKASH SINGH, aged about 24 years, Male, Son of Sri Naresh Singh,
Resident of Village- Baikunthpur, P.S.- Khusrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Sinha

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-03-2020 Heard Mr. Krishna Prasad Singh, the learned Senior
counsel for the petitioner, Mr. Satish Kumar, the learned counsel
for the prosecutrix and Mr. B.N. Pandey, the learned Additional
Public Prosecutor.

The petitioner seeks bail in Mahila P.S. Case No.47 of
2018, registered under Sections 376, 511, 307 and 34 of the
Indian Penal Code.

The prosecutrix alleged that on 7th May, 2017 at about
10 A.M., the petitioner forcibly entered into her house and made
an abortive attempt to commit rape with her. The cot of the
informant was broken. When the petitioner failed in his attempt
to establish physical relation with the victim, the petitioner
poured some liquid on her private part and scratched her body.

Learned counsel for the petitioner submits that prior



to present case being Mahila P.S. Case No.47 of 2018, the prosecutrix lodged Mahila P.S. Case No.25 of 2018 on 01.03.2018 under Sections 376, 420 and 379 of the Indian Penal Code. The prosecutrix alleged that the petitioner on assurance to solemnize marriage with her established physical relation and the prosecutrix and the petitioner lived as husband and wife for many years but the petitioner solemnized marriage with one Pinki Kumari on 28.02.2018. It is further submitted that the prosecutrix is a divorcee and she got one child from his first wedlock. The petitioner has already been enlarged on bail in Mahila P.S. Case No.25 of 2018. Thereafter the prosecutrix lodged this case only after two months of the institution of the first case. It is further submitted that the petitioner is in jail since 16.07.2019. The petitioner has already remained in jail for eight months. Hence, the petitioner deserves bail.

The learned counsel for the informant and the learned Additional Public Prosecutor opposed the prayer for bail and submitted that the petitioner firstly established physical relation with the prosecutrix on the pretext of marrying with her but when the prosecutrix lodged the case, the petitioner forcibly entered into her house and made all abortive attempt to commit rape with her. It is further submitted that the doctor found the



injuries on the person of the victim. During the course of investigation, the witnesses have also supported the factum of occurrence and, therefore, the petitioner does not deserve bail.

Perused the FIR. It appears that on the basis of fardbeyan of the informant, Mahila P.S. Case No.25 of 2018 was registered on 01.03.2018. The prosecutrix herself alleged that on assurance she lived with the petitioner as wife for years but later on the petitioner solemnized marriage and cheated the prosecutrix. The petitioner has already been enlarged on bail in Mahila P.S. Case No.25 of 2018. Just after two months of the occurrence, the prosecutrix lodged this present case making allegation against the petitioner that he made an abortive attempt to commit rape with her. From perusal of the medical report, it appears that multiple scratches were found on the body of the prosecutrix but no injury was found in and around the private part of the prosecutrix. The petitioner has already remained in jail for eight months.

Considering the facts and the nature of allegations made against the petitioner and the fact that the petitioner has already remained in jail for eight months, the petitioner, namely, Vikash Singh is directed to be enlarged 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 learned Judicial
Magistrate, 1st Class, Patna in connection with Mahila P.S. Case
No.47 of 2018.

(Prabhat Kumar Jha, J)

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