

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17726 of 2021

Arising Out of PS. Case No.-285 Year-2019 Thana- SIKARPUR District- West Champaran

VIVEK KUMAR, Son of Kamal Kishore Choudhary, Resident of Village-
Tarharwa, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-08-2021 Heard the parties in virtual Court.

The petitioner is languishing in custody for the offence punishable under Sections 313, 120B, 323, 504, 506, 376 and 366/34 of the Indian Penal Code.

The informant who is already a married lady aged about 27 years claims that the petitioner induced her and took her to Delhi where both were in physical relation. Thereafter the allegation is of mental and physical torture and refusal for marriage.

Submission is that since the victim was matured enough and conscious enough regarding consequences of her act of voluntary consent, the offence alleged is not made out against the petitioner. Investigation of the case is already complete.

Finding substance in the submission aforesaid, let the



petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Shikarpur P.S. Case No. 285 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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