

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18289 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA PS District- Aurangabad

VIKASH KUMAR GAUTAM @ VIKASH GAUTAM, aged about 34 years,
Gender-Male, S/O VIPIN SINGH, R/o village- Senduar, P.S.- Karagahar,
District- Rohtas.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate and Mr.
Bhaskar Shankar, Advocate.

For the Opposite Party : Mr. A.G

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 07-04-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 376, 498(A), 313, 504,
506, 509, 379/34 of the I.P.C. and $\frac{3}{4}$ of the D. P. Act.

The prosecution story, in brief, is that the petitioner
and other accused persons subjected the informant to cruelty by
torturing and abusing the informant for demand of dowry and on
the eve of *Deepawali*, Vikash Kumar Gautam @ Vikash Gautam
(petitioner) established physical relationship with the informant



when the family members were on roof for lighting candle and threatened her to kill if she disclosed to anyone.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner happens to be the brother-in-law (*Bahnoi*) of the victim. He is a government employee. There is no substantive evidence in support of offence under Sections 376 and 313 of the I.P.C. Rests of the offences are triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with



two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Aurangabad, in connection with Aurangabad Mahila P.S. Case No. 13/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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