

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26748 of 2021

Arising Out of PS. Case No.-244 Year-2019 Thana- PATEPUR District- Vaishali

Vishwajeet Kumar @ Bihari @ Bihari Kumar Son of Akhilesh Rai R/O
Village- Nirpur, P.S- Patepur, Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rina Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 13-12-2021 The applicant/accused in Crime No. 244 of 2019 registered with Patepur Police Station for the offences punishable under sections 376, 504 and 506 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel for the applicant. She drew my attention to the FIR as well as statement of the victim lady recorded under section 164 of the Cr.P.C. by the learned Judicial Magistrate, 1st Class and argued that the alleged victim of the crime in question is a married lady and the applicant is falsely implicated in the crime in question.

As against this, the learned APP opposed the bail application by contending that the offence is that of rape on a woman with promise to marriage and therefore, the applicant is



not entitled to bail.

I have considered the submission so advanced and also perused the FIR, statement of the victim recorded under section 164 of the Cr.P.C. as well as other materials placed on record.

The victim of the crime in question, in her statement made to the Magistrate on 3.12.2019 has stated that she was on taking terms with the applicant Vishwajeet Kumar for the last 1 and 2 years and on the pretext of marrying her, the applicant had developed sexual relation with her. At the very same time, the victim woman has stated to the Magistrate that in fact, she was married in the year 2017 to one Ranjeet but subsequently, she had returned to her parental house.

It is thus seen that the victim was married in the year 2016 itself to somebody else, hence it was on 22.9.2015 she has lodged the FIR, alleging that on promise to marry her, the applicant had committed rape on her. The victim has stated her age as 19 years.

The investigation of the crime in question is already over. The applicant has undergone pre-trial detention from 24.12.2019. It is not pointed out that if release on bail, the applicant would not be available for trial. Therefore, the order.



The application is allowed.

The applicant/accused in Crime No. 244 of 2019 registered with Patepur Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him. The applicant should not contact the victim of the crime in question or her relatives in any manner till disposal of the trial.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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