

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23721 of 2020

Arising Out of PS. Case No.-15 Year-2018 Thana- BIRPUR District- Supaul

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RUPESH BHINDWAR Son of Raja Ram Bhindwar R/o- Hridaynagar, P.S. -
Birpur, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari Daughter of Yogendra Mandal R/o- Hridaynagar, P.S.-
Birpur, Distt.- Supaul.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Vide order dated 17.09.2020, notice is validly served
upon opposite party No. 2 and the report is attached as Flag “X”
and Flag “Y” respectively but non appears on behalf of the
opposite party No. 2.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Birpur P.S.



Case No. 15/18, registered for the offence punishable under Sections 498A, 323, 504, 34 of the Indian Penal Code.

As per the prosecution case, the allegation is against one Rupesh Bhindwar, who has developed sexual relationship with the informant in the pretence of marriage in which course she became pregnant. He solemnized marriage with the informant at Ram Janki Mandir and took her to his house where after leaving her he fled away and his family members ousted her after abusing her.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to village politics. As per the FIR both are major and relationship has developed between both of them with consent since last three years. He submits that petitioner has not marry with the informant. It is totally false story that the petitioner solemnized marriage with informant. During the course of the investigation police has not found any evidence of marriage. In para 97 of the case diary the statement of priest of the said temple has been recorded and he very clearly denied the alleged marriage in the said temple as



such after completion of investigation police has submitted charge-sheet under Sections 498 and 376 of the IPC. The petitioner is in jail custody since 06.11.2019.

Learned APP for the State opposed the bail petition and submits that the statement of victim recorded under Section 164 Cr.P.C. has supported the prosecution story and after investigation the police has submitted the charge-sheet under Section 376 of the Indian Penal Code.

Considering the facts aforesaid that the charge sheet has been submitted under Section 376 of the Indian Penal Code, I am not inclined to grant privilege of bail to the above named petitioner in connection with Birpur P.S. Case No. 15/18 pending in the court of Learned A.C.J.M., Birpur (Supaul).

Hence, the prayer for bail of the petitioner is rejected.

(Anjani Kumar Sharan, J)

GAURAV S./-

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