

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.103 of 2021**

Arising Out of PS. Case No.-267 Year-2020 Thana- SARAIYA District- Muzaffarpur

AKSHAY KUMAR Son of Shambhu Rai Resident of Village - Parahiya, P.S.-  
Saraiya, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Tribhuwan Narayan,Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

5      26-07-2021              Learned counsel for the petitioner undertakes to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.  
Upendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular  
bail in connection with Saraiya P.S. Case No. 267 of 2020  
registered for the offences punishable under Sections 376, 341,  
323, 307, 147, 323 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per  
the prosecution story, the petitioner is the devar of the  
informant. It is alleged that the petitioner established physical  
relationship with the informant thereafter a child took birth. It is  
then alleged that father-in-law of the informant assaulted the

informant and thereafter the petitioner brought her to Muzaffarpur after that a panchayati was held and the petitioner accepted the informant as his wife and they started living together. It is further alleged that the informant again became pregnant but family members of the petitioner wanted her to abort the pregnancy which was opposed by the informant to which the petitioner and his family members forcibly aborted the pregnancy. It is also alleged that the petitioner solemnised another marriage.

It is his submission that the victim lady is admittedly the bhabhi of this petitioner. The petitioner is aged about 20 years whereas victim lady is aged about 32 years. The allegation that this petitioner had established physical relationship with the victim lady is not correct. In any case the allegation is not of establishing forcibly physical relationship.

Learned counsel further submits that after investigation police has not found sufficient materials to chargesheet the petitioner under Section 376 IPC. The chargesheet has been filed under Sections 341, 323, 498A, 449/34 of the Indian Penal Code and the petitioner is in custody in connection with this case for over one year. Investigation against him is complete but the trial is not likely to take place in

near future.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the nature of allegations, relationship between the parties and that the investigation has resulted in filing of chargesheet under Section 341, 323, 498A, 449/34 IPC only, at this stage the petitioner is in jail for over one year, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., West Muzaffarpur in connection with Saraiya P.S. Case No. 267 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.