

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64391 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- NAUGACHIA District- Bhagalpur

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Vinay Kumar Son Of Late Ramvilash Sah Resident Of Village- Bodhwan
Talab, P.S. And Distt.- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Further, counsel for the petitioner is directed to make necessary correction in the prayer portion of the application.

The petitioner is apprehending his arrest in connection with Naugachhiya P.S. case No.274/2020 registered under Sections 313, 376, 498(A), 307, 323, 379, 509/34 of the Indian Penal Code.

Allegation is that the petitioner raped the victim on the pretext that he knows some Judges and Magistrates, who will help the victim. The petitioner also made video clip and



tortured and assaulted the victim. Then the petitioner married the victim.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. It has further been submitted on behalf of the petitioner that the informant was married to one Srikant Sao prior to institution of the present case. A divorce application was filed by the informant, but the same was dismissed by order dated 15.01.2019, which is part of the supplementary affidavit. Hence the claim of the marriage by the informant with the petitioner itself appears to be false and illegal. There can be no second marriage in the eye of law of the informant with the petitioner. It has also been submitted that there is no medical examination report on record to prove the allegations under Section 313, 376 and 307 of I.P.C.

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

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bhagalpur in connection with Naugachhiya P.S. case No.274/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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