

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2153 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

Vikash Sahni Son Of Kishindev Sahni @ Kishan Dev Sahni Resident Of
Village - Shekhpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjana

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 07-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 18 of 2021, registered for the offences
punishable under Sections 341, 342, 366, 376, 323, 504,
506/34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is
that the informant/alleged victim was enticed away by the
accused-petitioner stating that his father is very rich and he
would marry her. He also established physical relationship
forcibly with the victim and when she got pregnant, he was
forcing her to commit suicide by jumping in river. On refusal



to commit suicide, he asked her to go anywhere and he also threatened her that in case, any case is lodged against him, her parents and brother would be kidnapped and killed.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the allegation, there is a consensual physical relationship between alleged victim and present accused-petitioner and he has been languishing in jail since 10.03.2021. Investigation in this case is complete and charge-sheet has already been submitted.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner submitting that consent of the prosecutrix has been procured by misrepresentation and as such the consent is vitiated. He also



submits that as per pregnancy test she has also been found to be positive.

Considering the aforesaid facts and circumstances, particularly the allegation of mis-representation to get the consent of the prosecutrix as well as the pregnancy test, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, the trial court is directed to expedite the trial and not to make any unnecessary delay in conclusion of the trial.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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