

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6338 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- BARH District- Patna

VIKASH KUMAR Son of Ganesh Choudhary @ Kutumji Resident of
Village- Purani Barh Bazar, Ward No.19, renter (in the house of Sanjay
Khatik), P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Barh P.S. Case No. 210/2021 instituted for the offences
punishable under Sections 376, 420/34 of the Indian Penal Code
and U/S-67 (A) of I.T. Act.

Learned counsel for the petitioner submits that
petitioner is in judicial custody since 13.06.2021, charge-sheet
has already been submitted and has no criminal antecedent.

The prosecution case in short is that the informant is
student of I.Sc. and in coaching class the informant and the



petitioner fell in love and wanted to marry the informant and for which the parents and brother of the petitioner wanted to have a look of the informant.

She further alleged that the petitioner called her and invited her to a restaurant where he forcibly raped her and snapped naked photo. However, the informant came back to her home and remained silent i.e. kept mum. She further alleges that the petitioner made several call and asked her to come to Barh but she refrained from visiting Barh. It is further alleged that the petitioner threatened to get video and photos viral and said that it will be viraled on 26.05.2021.

The learned counsel for the petitioner submits that the petitioner is innocent and falsely implicated in this case.

It is submitted on behalf of the learned counsel for the petitioner both were friends (informant and petitioner) and young aged persons. Learned counsel for the petitioner further submits that alleged occurrence took place from 2018 to 2019 and instant case has been filed in the year 2021.

It is submitted by the petitioner that on perusal of the written report it is crystal clear that the whole occurrence took place in the year 2018 which is completely contradicted by the statement recorded under Sections 161 and 164 of the Cr. P.C. in



which she stated that alleged occurrence took place in the year 2018 and 2019, the instant case has been filed in the year 2021. It is relevant to state here that she kept mum for a long time and did not disclose it to her parents and during the course of investigation, the Investigating Officer has neither recorded statement of the single employee of the Raj Darbar Restaurant, Barh has nor collected viral video photos. It is further stated that informant was medically examined in Sadar Hospital, Barh and the doctor gave his opinion that there is no sign of recent sexual intercourse.

It is further stated that the petitioner eloped with the girl. Both are agreed to marry but due to caste barrier, the matter was not finalized. On the intervention of the well-wisher and parents of the parties a compromise took place, both family members filed a compromise petition in the court below and now both sides are living peacefully (Annexure-4). On the date of filing of the compromise petition victim girl was also present in the court.

The learned counsel for the state opposes the prayer of the bail petition.

In the aforesaid facts and circumstances, let the petitioner above named be released on bail on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Barh, Patna in connection with Barh P.S. Case No. 210 2021.

(Khatim Reza, J)

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