

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12574 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- Sasaram Nagar District- Rohtas

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Vikash Kumar Son Of Late Nandeshwar Chaudhary @ Narbdeswar Singh @
Late Nardeshwar Singh R/O Village- Gaurakshni, Lane No.-11, P.S.-
Sasaram, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate

Mr. Dr. Bipin Chandra

For the Opposite Party/s : Mr. Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

7 13-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with



Sasaram town P.S. Case No. 129 of 2021, dated 22.02.2021, registered for the offence punishable under Sections 376 and 420 of the Indian Penal Code.

The prosecution case as emerging from the F.I.R. is that the informant was allowed to live in the house of the petitioner as tenant. It is further alleged that she started working as maid-servant in the house of the petitioner. Further allegation is that the petitioner made physical relationship with her on the assurance of marriage but when she became pregnant, he ousted her from his house.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there was a love affair between the alleged victim and the accused-petitioner. He also submits that there was consensual physical relationship between them. He also submits that both are major and as such there is no offence made out. In support of the plea, refers to the statement of the alleged victim girl as recorded under Section 164 Cr. P.C, as per which, clearly there was love affairs between the alleged victim and the accused and



there was physical relationship also. However, there is no allegation of any promise of marriage before such relationship and it is only after detection of pregnancy, the accused told her that he would marry but later on he did not.

The petitioner has been languishing in jail since 30.11.2021 i.e., for about one year.

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 for bail.

Considering the aforesaid facts and circumstances, particularly the age and the statement of the alleged victim girl recorded under Section 164 Cr.P.C, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM I/C Rohtas, in connection



with Sasaram Town P.S. Case No. 129 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

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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