

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16691 of 2022**

Arising Out of PS. Case No.-94 Year-2021 Thana- KANTI District- Muzaffarpur

CHANDAN KUMAR Son of Daulat Ram @ Daulat Kumar Resident of
Village- Salahpur, P.S.- Kajra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 376 of the Indian Penal
Code.

According to prosecution case, on the basis of written
application of the informant Sanjana Kumari, on 08.02.2021
against the petitioner for the alleged occurrence on 07.01.2021
in the house of informant at village Pakdi. It has been alleged
that informant went at village Salahpur with her aunt on
07.01.2021 where she met with accused petitioner and he started
friendship with the informant and used to talk on mobile phone.



It has been alleged that in February 2020, the petitioner came at her house and he stayed for four days and during this period, the petitioner developed physical relationship with her by pretending to marry and the petitioner gifted Samsung mobile phone to the informant. It has been further alleged that whenever the informant asked about marriage, he assured that he is talking to his family members and he will marry with her. It has further been alleged that later the petitioner denied to marry.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that victim girl was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that she has solemnized the marriage with the petitioner. He further submits that in fact the petitioner has not solemnized the marriage with the victim girl. The petitioner is in custody since 29.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and the case diary and submits that the victim girl also stated in her statement under



Section 164 Cr.P.C. that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Kanti P.S. Case No. 94 of 2021 pending in the court of learned Additional Chief Judicial Magistrate 2nd West, Muzaffarpur.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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