

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50683 of 2021

Arising Out of PS. Case No.-261 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

VINOD KUMAR S/O JAGARNATH RAM R/o village- Chapra Govind,
P.O.- Mehshi, P.S.- Mehshi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opp. Parties : Mr. Jagdhar Prasad, APP

Mr. Sunil Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 29-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code.

As per the prosecution case, the informant states that the petitioner married the informant secretly, however, whenever the informant asked him to take her to his house, he used to avoid taking her home on one pretext or the other. On coming to know about the marriage, the members of the petitioner's family started to make a demand of Rs. 8 lacs. Thereafter, they pressurized the petitioner to break his relationship with her. The informant further states that the petitioner trapped her since 28.12.2018 and giving false assurances, entered into a relationship and continued to



physically exploit her. On earlier occasion no complaint was made for the reason that he happens to be a close relative.

It is submitted by learned counsel for the petitioner that from perusal of the allegation in the FIR, no offence under section 376 of the Indian Penal Code is made out. Both the parties are majors and the relationship between them was consensual. The informant happens to be the sister-in-law of the sister of the informant. The petitioner is in custody since 27.6.2021 and has no criminal antecedent. Investigation in the case has concluded.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation of rape against the petitioner which has been supported by the informant in her statement under section 164 Cr.P.C. It is further submitted that so far as the delay in lodging of the FIR is concerned, the same has been explained in the FIR as also in her further statement in course of investigation.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations leveled by the petitioner in the FIR together with her statement under section 164 Cr.P.C, the Court is not inclined to enlarge the



petitioner on bail the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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