

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55268 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- DHANAHA District- West Champaran

Vikash Kushwaha Son Of Baliram Kushwaha Resident Of Village- Ghusari,
Police Station- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar, Advocate.
For the Opposite Party/s :	Mr. Pawan Kumar Chaurasia, APP.
For the Informant :	Mr. Vijay Kr Singh No. 1, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 05-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Arvind Kumar, learned counsel for the petitioner, Mr. Vijay Kr Singh No. 1, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Dhanaha P. S. Case No. 84 of 2021 registered for the offences punishable under Sections 313, 314, 315, 376 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the



brother of the informant were living in Gujarat for the purposes of earning, in the meantime, co-accused Virendra Gupta managed to establish illicit physical relationship with the informant, who used to come to the house of the informant in absence of her mother. She further alleged that when her marriage was negotiated, the accused persons threatened the boy and get the marriage cancelled. She also alleged that the petitioner and co-accused persons forcibly aborted her pregnancy and also made some bare videos.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R., it is evident that specific allegation of making physical relationship and committing rape has been attributed against co-accused Virendra Gupta, who being friend of the brother of the victim used to come to her house. It is further submitted that the petitioner is non-else but the staff of Virendra Gupta and only because of this fact some times he used to accompanying his master and therefore, his name has also been implicated in this case. It is next submitted that the petitioner is aged about twenty years, having fair antecedent, is in custody since 05.06.2021.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits



that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has made specific allegation against co-accused Virendra Gupta as well as this petitioner.

Learned counsel for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that there had been long physical relationship between the victim and the co-accused Virendra Gupta, she was taken to different places by him but at no point of time any complaint has been made against any of the accused persons and moreover, there is no specific allegation against the petitioner and he is in custody since 05.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bagaha, West Champaran in connection with Dhanaha P. S. Case No. 84 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.



- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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