

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62162 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- BARH District- Patna

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Dularchand Kumar @ Dularchand Yadav, Son of Late Hardeo Roy, Resident
of Village - Bhatgoan, P.S.- Barh, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Murari Mishra, Advocate Mr. Prem Kumar, Advocate
For the Opposite Party/s :		Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barh P.S. Case No. 147 of 2021 registered for the alleged offences under Sections 376, 420 and 506 of the Indian Penal Code.

As per prosecution case, the petitioner induced the informant in establishing physical relationship with him on the pretext that he would solemnize marriage with her. Thereafter, he also committed rape with her on a number of occasions when



the informant tried to keep distance with him. He threatened her with life and also threatened to reveal her videos and photographs by making it viral.

The learned counsel for the petitioner submits that the petitioner entered into the relationship with the petitioner knowing very well its consequences. It was a consensual act, even if the prosecution story taken to be true, no offence for rape could be made out from the facts of the case. The informant did not make any complaint earlier. She had been given some money by this petitioner and when he insisted to return the money, false case has been lodged in order to blackmailing him. No medical examination of the informant has been conducted. Learned counsel further submits that there is no independent witnesses who have supported the case and charge-sheet has been submitted in this case and the petitioner is in custody 04.04.2021.

Learned APP opposes the prayer for bail submitting that witnesses, in paragraphs 4, 5, 35 and 36 of the case diary, have fully supported the prosecution case. Further, the statement of victim was recorded under Section 164 Cr.P.C. she has stated that she did not lodge any complaint earlier due to fear of death and when the atrocities crossed the limits, she filed the present



case.

Perused the records.

Having regard to the submissions made hereinabove and considering the specific nature of allegation against this petitioner which is very grave, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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