

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20411 of 2023**

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.S.-  
Mehsi, Distt- East Champaran.

... .. Petitioner/s

Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Nivedita Nirvikar, Sr. Advocate

Mr. Arya Achint, Advocate

For the Opposite Party/s : Mr. Arya Kishan, Advocate  
Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

## ORAL ORDER

4      17-05-2023                      1. Heard learned senior counsel for the petitioner and  
learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. no. 925 of 2022 (arising out of Sahebganj P.S. Case no. 261 of 2021) registered under section 376 of the Indian Penal Code.

3. 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. It is finally stated by the informant that she was abused and physically assaulted by the petitioner.

4. The earlier prayer for bail of the petitioner was



rejected vide order dated 29.3.2022 passed in Cr. Misc. no. 50683 of 2021.

5. Learned senior counsel appearing for the petitioner submits that from reading of the FIR it would transpire that no case under section 376 of the IPC is made out. The statement made in the FIR read with the petition filed by the informant under section 125 Cr.P.C are not consistent with each other. The informant has stated about her marriage with the petitioner, although her version has changed while giving her statement under section 164 Cr.P.C. It is further submitted that petitioner has remained in custody since 27.6.2021 and charge having been framed in the learned Trial Court, there is no chance of tampering of any evidence. The petitioner undertakes to cooperate in the trial.

6. A report was called for from the learned trial court. As per the report received contained in memo no. 121/2023 dated 12.4.2023 of the 1<sup>st</sup> Additional Sessions Judge, Muzaffarpur charge has been framed on 12.4.2023 and 8.5.2023 was the date fixed for prosecution evidence.

7. Heard learned APP for the State.

8. Having heard learned counsel for the parties and taking into consideration the contents of the FIR, the petitioner



having remained in custody for 1 year 10 months since 27.6.2021 and charge having been framed in the learned trial Court on 12.4.2023, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no. 925 of 2022 (arising out of Sahebganj P.S. Case no. 261 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge, Muzaffarpur subject to the following conditions :

(i) The petitioner shall remain properly represented on each date and shall cooperate in trial in the learned Trial Court.

(ii) In case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Prakash/-

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