

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43657 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- BELSAND District- Sitamarhi

Vishal Kumar, Son of Ajay Das, Village- Birauli, P.S.- Pupri, Dist- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Suresh Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Belsand P.S. Case No. 04 of 2023 dated 09.01.2023 registered
for the offences punishable under Sections 376 and 420/34 of
the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the victim is about 8 to 9 years
older than the petitioner and she is also a married lady having
two children from her husband and the allegation of having
established sexual relationship with her by this petitioner is
completely vague in the FIR, and moreover, the nature of
allegation levelled in the FIR does not show that the petitioner
forcefully established sexual relationship with her even if the
allegation levelled by her regarding establishing sexual
relationship is deemed to be true. Further submissions are that



the petitioner has fair and clean antecedent and has been languishing in jail since 05.04.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Having regard to the facts and circumstances of this case and considering the above submissions and mainly the facts that the informant, who is stated to be the victim, is a married lady having two children and as per the above submission, she is 8 to 9 years older than the petitioner and as per the FIR, the informant remained in physical relationship with this petitioner for a considerable period but she remained mum in respect of the said relationship and did not take any legal action against the petitioner, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Belsand P.S. Case No. 04 of 2023.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

