

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43653 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- JAMUI District- Jamui

Niraj Sah @ Neeraj Kumar, Son of Madan Sah, Resident of village -
Sikheriya, P.S. - Jamui, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad 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
Jamui P.S. Case No. 216 of 2023 dated 07.03.2023 registered
for the offences punishable under Sections 376 and 506 of the
Indian Penal Code and Sections 66(C) and 66(D) of the I.T. Act.

3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner has fair and clean
antecedent and has been languishing in jail since 09.04.2023
and against him the investigation has been completed and as per
the FIR, the main allegation is against co-accused Vikash Sah
but the said allegation is completely false, in fact the victim has
love affair with the said co-accused and when her marriage was
fixed with another boy then the co-accused Vikash Sah opposed



the decision of so-called victim's family but they were not ready to marry the victim with the said co-accused Vikash Sah and as a result the instant case was lodged in order to create pressure upon the accused persons and the petitioner is simply a friend of co-accused Vikash Sah and he is a student also. Further submissions are that the FIR goes to show that the first alleged forceful sexual relationship was made by co-accused Vikash Sah four years prior to the institution of the FIR and the victim remained silent for the said period and did not take any legal action against the petitioner and other co-accused persons which also shows her consent to the alleged relationship and moreover, the photographs produced by the victim with the FIR also show intimacy between the victim and co-accused Vikash Sah.

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 petitioner has fair and clean antecedent and against him the investigation has been completed and he is stated to be a young person and the first alleged sexual assault with the victim was committed by co-accused Vikash Sah four years prior to the institution of the FIR but the victim remained silent for a long



period and did not take any legal action against the accused persons, 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 Jamui P.S. Case No. 216 of 2023.

(Shailendra Singh, J)

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