

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50421 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- KAHALGAON District- Bhagalpur

VIVEK KUMAR BIHARI SON OF BIPIN BIHARI RESIDENT OF
VILLAGE- MAHESHAMUNDA, PS-KAHALGAON DISTT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 376 of the Indian Penal
Code.

3. The allegation against the petitioner is of
establishing physical relation with the informant on false pretext
of solemnization of marriage.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the victim is a major
lady. The victim was pressurizing the petitioner to marry her but
when he refused for the same, she filed the present case. He



submitted that the allegation levelled against the petitioner is vague as no evidence has been produced by the informant to substantiate the fact that, she was assaulted and the petitioner was making physical relation on the pretext of marriage. There is seems to be consensual relationship between the parties. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.01.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Kahalgaon P.S. Case No. 566 of 2022.

(Sunil Kumar Panwar, J)

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