

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60582 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- PARIHAR District- Sitamarhi

Narendra Kumar @ Narendra Kumar Yadav Son Of Vinod Rai Resident Of
Village - Jhirkahiya, Ward No.- 1, P.S.- Bathnaha, Distt.- Sitamarhi - 843331
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59388 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- PARIHAR District- Sitamarhi

Vinod Rai@Ram Binod Prasad Yadav S/O- Mukhtar Rai R/O Village-
Jhitkahiya, Ward No.- 01, P.S.- Bathnaha, District- Sitamarhi- 843331
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60582 of 2022)

For the Petitioner/s : Mr.Shivnandan Bharti

For the Opposite Party/s : Mr.Narendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 59388 of 2022)

For the Petitioner/s : Mr.Shivnandan Bharti

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 376/34 of
the Indian Penal Code.

Petitioner (Narendra Kumar) is said to have
committed sexual intercourse against the informant on the
pretext of solemnizing marriage, whereas petitioner (Vinod Rai)



is the father of petitioner (Narendra Kumar).

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioner (Narendra Kumar) and informant are major. He submits that the petitioner namely Narendra Kumar is the student preparing for competitive examination for better future. Informant came to know about the petitioner (Narendra Kumar) and later she contacted him to be friend, thereafter she put pressure on him for solemnizing marriage. He submits that petitioner (Narendra Kumar) made a distance from the informant due to her improper demand as a result, the informant threatened the petitioner (Narendra Kumar) to falsely implicate him in rape case along with his father and other family members. He submits that the petitioner Vinod Rai is the father of Narendra Kumar who has been made accused in this case as he is father of Narendra Kumar. Learned counsel for the petitioners in buttress of his submission relies upon a order passed in the case of Ansaar Mohammad Vs. The State of Rajasthan & Anr. (Criminal Appeal No. 962 of 2022 @ SLP (CRL) No. 5326 of 2022) in which the Hon'ble Court has been pleased to held that if the relationship is not working out, the same cannot be a ground for lodging an FIR for the offence



under Section 376 IPC. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the all the witnesses including the victim in their statement recorded under Sections 161 and 164 of the Cr.P.C. have supported prosecution case.

Considering the facts and circumstances of the case and in view of the order passed in the case of Ansaar Mohammad (supra), let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Parihar P.S. Case No. 136 of 2022 arising out of GR No. 1569 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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