

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1429 of 2023

Arising Out of PS. Case No.-517 Year-2019 Thana- MOTIPUR District- Muzaffarpur

JAI PRAKASH KUMAR @ PAPPU KUMAR Son of Prabhu Mahto R/V-
Bagahi Malikana, P.S- Motipur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan No.II
		Mr.Pranav Kumar
For the Opposite Party/s :		Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 11-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Motipur P.S. Case No. 517 of 2019, registered for the offences punishable under Sections 376, 315, 34 of the IPC.

The petitioner is brother-in-law (*Jaut*) of the informant. As per allegation, after death of the husband of the informant, he started sexual relation with the informant and when she became pregnant, the accused persons, including this petitioner made pressure upon her for abortion. They also threatened to kill her, had she narrated this fact to anybody.

The learned counsel for the petitioner has



submitted that he is innocent and has falsely been implicated in this case. He has submitted further that when the informant realised her mistake, she filed an affidavit in which she has stated that she lodged this case, as her relation with family members became bitter.

On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the petitioner, being brother-in-law (*Jait*) of the informant, sexually ravished the victim, who is widow of his brother. She became pregnant and the accused persons made pressure upon her to terminate her pregnancy. He has submitted further that in her statement under Section 164 of the Cr.P.C., the victim has fully corroborated the allegations made in the FIR.

The affidavit filed by the informant appears to be under duress and it should not be treated voluntarily.

Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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