

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72177 of 2022**

Arising Out of PS. Case No.-247 Year-2022 Thana- AKBARPUR District- Nawada

VICKY KUMAR S/O LATE CHOTU SHAW @ CHHOTU SAI Resident of
village- Akbarpur, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha
For the Opposite Party/s : Mr.J.N.Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 10-05-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for regular bail on behalf of
the petitioner for the offences alleged under Sections 341, 323,
376 and 506 of the Indian Penal Code registered in connection
with Akbarpur P.S.Case No. 247 of 2022.

As per allegation, the prosecutrix, who is sister-in-
law (*bhabhi*) of the petitioner, made allegation against him that
he started sexual relation with her since her marriage in the year
2009. He did not stop his physical relation with the prosecutrix
and it was the reason that she shifted in Ranchi with her son and
a daughter.

The learned counsel for the petitioner has submitted
that the petitioner is own brother of the husband of the
informant. In the year 2009, he was a juvenile, aged about 13
years. It has not been mentioned in the FIR as to what prevented
the prosecutrix from complaining the matter when the physical



relation continued for such a prolonged duration. He has submitted further that the statement of the mother of the victim has been recorded in paragraph no. 4 of the case diary and even her mother has not supported the prosecution case, which shows that the petitioner has falsely been implicated in this case with some ulterior motives. He is in custody since 07.06.2022.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the prosecutrix in her statement under Section 164 of the Cr.P.C has fully corroborated the allegation against the petitioner, as mentioned in the FIR.

Considering the above facts and circumstances, period of custody as well as the clean antecedent, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Nawada in connection with Akbarpur P.S.Case No. 247 of 2022, subject to the following condition:-

“The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.”

(Nawneet Kumar Pandey, J)

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