

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1571 of 2023

Arising Out of PS. Case No.-510 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Amit Kumar Jaiswal S/O Vijay Kumar Jaiswal @ Vijay Shankar Prasad
Resident Of Village- Baswariya, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Adv.
For the Informant	:	Mr. Ritesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-04-2023 Heard Mr. Vijay Shankar Shrivastava, learned counsel

for the petitioner, the informant who happens to be victim is

represented by Mr. Ritesh Kumar, learned counsel and learned

APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ghorasahan P.S. Case No. 510 of 2021,
registered for the offences punishable under Sections 420/376 of
the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that on 13.10.2021 the petitioner
called the informant at Raxaul and thereafter by administering
some sedative committed rape upon her. It is further alleged that
the victim was taken to Kathmandu and was kept in a rented



room, where she was subjected to rape at the hands of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the occurrence took place on 13.10.2021, however, the present FIR has been instituted on 01.12.2021. He further submits that in fact the victim is major lady and she voluntarily went along with the petitioner on account of worsen relationship with her husband which facts are also strengthen from perusal of Complaint Case No.C-70 of 2022 filed by the informant, who categorically stated that on account of harassment meted out at the hands of her husband, she left her house and in fact it is the petitioner who saved her life, and they have been started living together. However, on a dictate made by her husband the present FIR has been instituted and now the parties have entered into compromise. He next submits that the petitioner having fair antecedent, is in custody since 11.10.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted.

Learned counsel appearing on behalf of the informant supported the case of the petitioner and submits that the true picture has been narrated in the complaint case filed by the



informant and she does not want to pursue the matter anymore.

However, learned APP for the State vehemently opposes the bail application and submits that in no circumstances the offence is compoundable, even if the same is compromised by the parties.

Regard being had to the submissions made on behalf of the parties and considering the averments made in the complaint case filed on behalf of the informant-victim against her own husband, coupled with the fair antecedent and the period of custody of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 510 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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