

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8977 of 2024**

Arising Out of PS. Case No.-32 Year-2023 Thana- MAHILA P.S. District- Sitamarhi

Vivek Sah S/O Ram Naresh Sah Village- Sugia Katasari Ward No. 11, Ps.  
And Dist. Sheohar.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Kanchan Kumari W/O Vivek Sah, D/O Late Indradev Sah Village- Suhai,  
Ward No. 16, Ps. Dumra, Dist.Sitamarhi. Present Address C/O Koshal  
Kishore Singh, Resident Of Mohalla- Kailashpuri, Ward No. 45, Ps. Dumra,  
Dist. Sitamarhi.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hans Lal Kumar  
For the Opposite Party/s : Mr.Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

4      22-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody in connection with  
Sitamarhi Mahila P.S Case No. 32of 2023 from the Court of  
learned S.D.J.M Sadar, Sitamarhi registered for the offences  
punishable under Sections 494, 498, 376, 315 of the I.P.C.

3. As per prosecution case, the FIR has been  
registered against the petitioner and other co-accused on the  
basis of written application of the informant namely, Kanchan  
Kumari alleging therein, in brief, is that the petitioner became  
close to the father of the informant as he used to come in his



village in connection with Bhagtai and after death of mother of the informant the petitioner told to father of the informant to hand over the informant to him as he is of same caste and after his death the informant will be orphan. Thereafter, the petitioner took her to Dumra and got her seated outside the Court and took her signature on a plain paper and made affidavit and shown to her father. It is further alleged that thereafter the petitioner on 17.11.2021 took her at teacher colony at Mohanpur and established physical relation with her and when the informant on the occasion of Chhath Puja went to the house of the petitioner, she came to know that the petitioner was already married having five children and on protest by the informant she was abused and assaulted by the accused persons. The petitioner forced the informant to do immoral act. It is further alleged that when the informant became pregnant the petitioner got aborted her by giving some medicine and ultimately, on 31.5.2023 she was ousted by the accused persons after snatching her belongings.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is also submitted that petitioner is in judicial custody since 30.09.2023 and petitioner has got no criminal antecedent as stated in para 3



of the petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. In view of the allegation, FIR, Case diary, statement of the victim, impugned order it appears that petitioner is being named in FIR and having allegation of establishing physical relation with the informant on pretext of marriage and also married her concealing the fact of his previous marriage while he was already married having five children and got aborted the informant when she became pregnant, witness supported the prosecution case during investigation and considering all aspects of this case, this Court is not inclined to grant bail to the petitioner.

7. Hence, prayer of regular bail of the petitioner is hereby rejected. However, trial court is directed to conclude the trial within a period of six months and if the trial is not concluded within the stipulated period then the petitioner may renew the prayer of bail before the trial court.

**(Ramesh Chand Malviya, J)**

Mayank/-

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