

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25315 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- PIPRA District- Supaul

Umanand Kumar Das @ Umanand Das Son Of Shanti Das Resident Of
Village- Ramangar, Ward No. 16, Ps- Pipra, Dist- Supaul ... Petitioner
Versus

1. The State Of Bihar
 2. Soni Kumari D/O- Late Bhagwat Tanti W/O-Umanand Das Vill-Ramnagar
Ward-16 Ps-Pipra Dist-Supaul At Present- Vill-Jaipura Ward-2 Ps-Sankarpur
Dist-Madhepura
- Opposite Parties

Appearance :

For the Petitioner : Rupa Kumari, Advocate
For the Opposite Parties : Mr.Syed Ehteshamuddin, Addl Public Prosecutor
Mr. Karunakant Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner, the State and
the informant/ opposite party no.2.

2. Petitioner seeks regular bail in a case registered for
the offence punishable under sections 376, 495, 354,323,
120B/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner committed
rape on wife of his elder brother. It is further alleged that the
petitioner married her and lived with her for about six years.
Thereafter, on 10.2.2023 petitioner, in collusion with his family
members, performed marriage with some other lady, namely,
Kajal Kumari. On protest, the petitioner and his family members
subjected her to cruelty and harassment and they also tried to
kill her.

4. Learned counsel for the petitioner submits that as a
matter of fact, informant is legally wedded wife of his elder
brother and they are blessed with two children out of the said
wedlock. Brother of the informant was living outside for quite
sometime to earn livelihood and when he returned and started



staying in the house, frequent movement of informant was restricted due to which she became furious and she lodged the instant case against whole family members. Petitioner claims clean antecedent. Petitioner is in custody since 10.10.2023.

5. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. It is submitted by opposite party no.2 that there is direct and specific allegation of rape against the petitioner. Even, the victim in her 161 CrP.C. & 164 Cr.P.C statements have supported the prosecution case. During course of investigation, witnesses have also supported the prosecution case.

6. Considering the nature and gravity of allegation and the aforesaid statements of the victim, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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