

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50406 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA P.S. District- Vaishali

Chandan Kumar, aged about 28 years, Gender-Male, Son of Naval Kishore Ray, Resident of Village, P.O. and P.S. - Vaishali, District – Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shivnandan Bharti, Advocate

For the Opposite Party : Mr. Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Vaishali Mahila P.S. Case No. 13 of 2023 dated 10.05.2023 registered for the offences punishable under Sections 341, 323, 376, 504 and 506/34 of the I.P.C.

4. As per the prosecution case, the petitioner is



alleged to have established physical relationship with the informant for last four years on the pretext of marriage. It is further alleged that when the informant came to know that the petitioner is going to perform second marriage with another girl on 12.05.2023, she alongwith her villagers went to the petitioner and his father to ask about marriage on 08.05.2023 then they misbehaved with her and threatened to go from here otherwise her naked photo would be went viral on Internet.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is business rivalry between the parties as the mobile repairing shop of the petitioner and the same type of shop which is running by her family member are situated at the same place. The petitioner never established physical relation with the informant and when the marriage of the petitioner was fixed with another girl she started making pressure to perform marriage with her and on refusal the present case been lodged against the petitioner. It is further submitted that as per the F.I.R., if the physical relationship established



between the parties is consensual, so, no case under Section 376 of the I.P.C. is made out against the petitioner. It is submitted that except the statement of the informant there is nothing on record to show that the petitioner established physical relation with the informant. As per the medical inquiry, the age of the victim is assessed as above 22 years. The victim refused for internal physical examination. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Vaishali at Hajipur, in connection with Vaishali Mahila P.S. Case No. 13 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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