

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58899 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- PIPRA District- Supaul

Vikash Kumar, aged about 21 years, Gender-Male, S/O Ramchandra Sah,
Resident of Hatwaria, Ward No. 8, P.S. - Pipra, District-Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate

For the Opposite Party : Mr. Rajendra Singh Shashtri, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 01-02-2024 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 Pipra P.S. Case No. 331 of 2022 dated
10.11.2022 registered for the offences punishable under
Sections 376, 366A, 354, 420, 341, 342, 328 and 120B/34 of the
I.P.C.

4. As per the prosecution case, the petitioner is alleged
to have established physical relationship with the victim on the
pretext of marriage. When the parents of the victim prevented



her to have contact with the petitioner, the petitioner used to harass the victim through the mobile calls and threatened that the photos and videos went viral which he took during private movement with the victim. The victim's parents told the petitioner that they got married after marriage of their elder daughter and when the marriage of their elder daughter has been solemnized, the petitioner again started compelling the victim for marriage. On 23.02.2022, the petitioner alongwith three unknown miscreants abducted the victim in a car and administered some intoxicated substance to her, due to which she became unconscious and the petitioner committed rape with her and took photos and videos of her and threatened her to make the video viral. On 26.06.2022, the petitioner confined her in a lodge near Supaul Degree College Chowk. Thereafter, the victim's parents alongwith the social persons reached and freed her. On 12.07.2022, when the issue of victims' relationship with the petitioner was raised among the social persons, the co-accused Ramchandra Sah and Ranjan Devi who are the parents of the petitioner denied any such relationship between the victim and the petitioner and they demanded Rs. 10,00,000/- cash and vehicle for the solemnization of the victim's marriage with the petitioner.



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 was love affair between the petitioner and the victim and on the promise of marriage the petitioner established physical relationship with her. It is submitted that from bare perusal of the F.I.R., it is evident that the victim is a major girl and a consenting party and her parents had full knowledge about it. It is submitted that in the F.I.R., it is alleged that the petitioner alongwith three unknown miscreants abducted the victim and confined in a lodge and after three days her parents recovered her from the lodge but neither F.I.R. nor Sanha was lodged. The victim in the statement recorded under Section 164 Cr.P.C., has stated that the petitioner alone took her in a lodge where the petitioner was residing and she stayed there for three days and she never raised any alarm at any point of time. The victim herself has denied for her medical examination as mentioned in paragraph no. 53 of the case diary. Hence, the veracity of the F.I.R. cannot be ascertained. There is no statutory compliance of Sections 164A and 53A of the Cr.P.C. Learned counsel for the petitioner placed reliance on the judgment in the case of *Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)* in



which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled”. 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 the learned court concerned, Supaul, in connection with Pipra P.S. Case No. 331 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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