

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63900 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- MAHILA P.S. District- Sheohar

Chandan Jaiswal S/O Shri Dhurendra Prasad Gupta, R/O Village- Pipra Kasba
Tola, P.S- Darpa, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Kumari @ Shruti D/O Sukhodi Sahni, R/O Village- Umed Chapra,
P.S- Shyampur Bhataha, Distt.- Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Informant	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Anuj Kumar, the learned counsel for the

petitioner, Mr. Abhishek Kumar, the learned counsel for the

informant and Mr. Rajendra Prasad Nat, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Sheohar Mahila PS Case No. 09 of 2023, FIR

dated 01.04.2023, registered for the offences punishable under

Sections 341, 323, 498(A), 376, 313 and 506 of the Indian Penal

Code.

3. According to prosecution case, one Chandan

Jaiswal raped the informant, prepared a video of the act and

later got her married to himself. It is further alleged that the



informant twice got pregnant and both the times she was forced to abort the fetus. It is lastly alleged that with the intent to marry another girl, the informant was tortured, assaulted and finally ousted from house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Her further submits that the allegations levelled in the FIR are false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner has never performed marriage with the Opposite Party No. 2 and the present FIR is instituted only to harass the petitioner.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that he has no proof of the marriage, but he has produced a prescription, which suggests that the name of the husband is Chandan Jaiswal, who is the petitioner before this Court.

6. Considering the aforesaid facts and circumstances and the fact that informant has not produced any evidence confirming that petitioner has performed marriage with the



Opposite Party No. 2, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sheohar, where the case is pending in connection with **Sheohar Mahila PS Case No. 09 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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