

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62103 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MAHILA P.S. District- Muzaffarpur

Vijay Kumar Jha @ Vijay Jha Son Of Paras Nath Jha Resident Of Maa Sabita Bhawan, Purani Bazar, Near Jama Masjid, Ward No.41, Police Station - Town Muzaffarpur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv
Mr.Santosh Kumar Pandey, Adv
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP
Mr. Prakash Verma. Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-03-2024 1. Heard learned senior counsel for the petitioner, Mr.
Ramakant Sharma, learned A.P.P. for the State along with
learned counsel for the OP No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

3. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant as she was not able to return the loan amount which she had taken from the petitioner. It is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that the informant alleges that she had taken a loan of Rs. 1 lakh from the petitioner, and was paying a monthly installment of Rs. 3,000/-, but on 4-6-2023, the petitioner asked



her to come with the interest amount in cash to his home. Accordingly, she went to his house at 8:00 pm in the night, where it is alleged that the petitioner raped her, further the wife of the petitioner, who is a ward member was not present in the house at the time of occurrence but came subsequently and also threatened the informant not to complain anywhere.

4. The learned senior counsel next submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same is cryptic, vague and lacking in essential details. It is also submitted that it absolutely does not stand to reason that a wife, after coming to know that her husband has committed such an act, would go and threaten the victim. It is next submitted that even medical report does corroborate rape. It is further submitted that during the course of investigation, statements of several witnesses were recorded, who have stated in one voice that the informant is in habit of implicating innocent people and the entire locality is afraid of her conduct. It is next submitted that what is not in dispute rather stands admitted is that the informant had taken a loan of Rs 1 lakh from the petitioner though she has stated that she was returning the amount, but then the OP No. 2 did not return any amount to the petitioner, rather had issued a post dated cheque of Rs 1 lakh



by way of security dated 9-6-2023 and the present case came to be instituted on 5-6-2023, i.e., about four days prior to presentation of the cheque for encashment.

5. The learned APP along with the learned counsel for the OP No. 2 opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned senior counsel for the petitioner that the injury report does not corroborate rape and that the OP No. 2 had taken a loan of Rs 1 lakh from the petitioner

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Muzaffarpur Mahila P.S. Case No. 22 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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