

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79293 of 2023**

Arising Out of PS. Case No.-7 Year-2023 Thana- BADHAILA District- Rohtas

Vinay Kumar Singh Son of Murali Singh @ Murali Singh Resident of Village - Kusahi, Police Station- Nokha, District - Rohtas At Sasaram.

... .. Petitioner/S

Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chhotelal Mishra, Advocate

Mr. Jyoti Prasad, Advocate

For the State : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      05-03-2024                      1. Heard learned counsel appearing on behalf of the  
petitioner and learned Additional Public Prosecutor appearing  
on behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Baghaila P.S. Case No. 07 of 2023 registered for the offences punishable under Sections 406, 420, 365, 366, 376 of the Indian Penal Code and Section 75 of J.J.B. Act 2015.

3. The allegation against this petitioner is to commit rape upon wife of informant and also to abduct his two minor children.

4. Learned counsel appearing on behalf of the petitioner submitted that informant deserted her wife/victim for



a long and he solemnized his marriage at Mumbai, where he is working and therefore, he tortured physically and mentally on several occasions to his wife, who is alleged victim of this case. It is submitted that victim was in love affairs with petitioner out of desertion and cruelty committed upon her by informant and therefore, started living together after solemnizing marriage. It is also pointed out that during the course of investigation, statement of victim was recorded under Section 161 of the Cr.P.C., where she clearly negated the allegation of kidnapping/ abduction and also of rape and stated specifically that out of desertion and cruelty committed upon her, she left the house of informant on her own with children and started living with petitioner after solemnizing marriage as she was in love with petitioner since long ten years. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel Mr. Chhotelal Mishra appearing for the informant while opposing the prayer of bail submitted that the petitioner has solemnized marriage with the wife of informant with full knowledge that her marriage is still subsisting with informant and is yet to be dissolved by way of divorce.

6. Considering the aforesaid factual submissions and



by taking note of statement of victim, who negated completely the allegation of rape and abduction, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram/concerned Court, where the case is pending in connection with Baghaila P.S. Case No. 07 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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