

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82149 of 2023

Arising Out of PS. Case No.-405 Year-2019 Thana- WAJIRGANJ District- Gaya

Bipin Kumar @ Bipin Kumar Sao Son Of Late Lal Bahadur Sao Village
-Ichua, PS -Wazirganj District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with
Wazirganj P.S. Case No. 405 of 2019 instituted for the offences
under Section 366(a) of the Indian Penal Code.

3. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail but, the same was rejected
vide order dated 05.09.2022 passed in Cr. Misc. No. 7920 of
2022.

4. The prosecution case, in short, is that on 03.11.2019
at about 10.00 PM, the daughter of the Informant had gone to
Wazirganj Bazar and when she did not return in the evening, all
members of the Informant started searching her. In course of



search, they came to know that one Bipin Kumar Sao (co-villager) has kidnapped her. When the Informant went to the house of Bipin Kumar Sao, he did not disclose her whereabouts and threatened them.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that there is a delay of eleven days in lodging the F.I.R. without there being any plausible explanation for the same which creates a grave doubt in the prosecution case. It is a case of extra-marital affair and the girl had habitual sexual relationship with the petitioner and she had left her house out of her own sweet will to stay with the petitioner as both were adult. He further submits that when the petitioner refused to perform marriage, she has falsely implicated the petitioner in this case. He further submits that after recovery of the girl, she was examined by the doctor where her was determined as 19 years and she was found to have habitual sexual intercourse and there was no sign and symptom of forced sexual intercourse. The doctor has also not found any external injury or injury mark on the body of the victim. Thus, there is contradiction in the statement of the girl made under Section 164 Cr.P.C. and the medical report. The petitioner has



no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 02.09.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also there being contradiction in the 164 statement of the victim girl and the injury report, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Wazirganj P.S. Case No. 405 of 2019.

(Rudra Prakash Mishra, J)

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