

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35124 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- MOKAMAH District- Patna

-
1. Dr. Vijay Kumar @ Vijay Prasad S/O Late Parmeshwar Prasad R/O Dogi, P.S- Chhabilapur, Distt.- Nalanda.
 2. Shibu Kumar S/O Vijay Kumar R/O Dogi, P.S- Chhabilapur, Distt.- Nalanda.
 3. Suraj Kumar S/O Vijay Kumar R/O Dogi, P.S- Chhabilapur, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Devi D/O Ashok Mistri R/O Village- Sahbagpur, Ward No. 24, P.S- Mokama, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Mokama P.S. Case No. 215 of 2024 lodged on 09.06.2024, for the offence punishable under Sections 376, 420, 341, 323, 506, 509 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioners. It has been alleged in the FIR that on 08.03.2024, accused person Vishwajeet Kumar called the informant to Patna in the name of providing her job and he took her on motorcycle to his rented house where he kept her captive for 16 days and administered



some sedative substance in her meal and committed rape with her followed by preparing a video footage of rape and continued to rape her under threat of making the said video viral. Thereafter, the informant fled away from his custody and the present case has been lodged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from bare perusal of the FIR, it become crystal clear that the specific allegation is against accused Vishwajeet Kumar and not against the present petitioners. He submits that the petitioner no.1 is the father of said Vishwajeet Kumar and petitioner nos.2 and 3 are the brother of said Vishwajeet Kumar. Counsel submits that the only allegation against the present petitioners is that when the informant went to complain against Vishwajeet Kumar to the petitioners, then they abused her and did not take any action against Vishwajeet Kumar. Counsel further submits that the first marriage of the informant solemnized in the year 2011 and then she again solemnized marriage with another person in the year 2021 and she wants to blackmail and humiliated the petitioners and it is due to this reason, the present case has been lodged.

5. Learned counsel for the petitioners further submits



that the informant is resident of Mokama and the accused persons are resident of Nalanda. Counsel also submits that the petitioners have no criminal antecedent.

6. Learned APP for the State opposes the prayer for bail of the petitioners but submits that there is no direct allegation against the present petitioners, rather, the specific allegation of rape and fraud is against accused Vishwajeet Kumar.

7. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of A.C.J.M.-III, Barh, Patna, in connection with Mokama P.S. Case No. 215 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

