

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.74016 of 2024

Arising Out of PS. Case No.-328 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Arvind Kumar Rai Son of Late Ramsakal Rai @ Late Ramsakal Ray Resident
of Vill- Pokhrai Silaut, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikash, Adv
Mr. Sandeep Kumar, Adv.
Mr. Sudarshan Bharadwaj, Adv.
For the State : Mrs. Pronoti Singh, APP
For the Informant : Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 09-04-2025 Heard Mr. Vasant Vikash, learned counsel for the
petitioner, Mrs. Pronoti Singh, learned APP for the State and
Mr. Rajesh Kumar, learned counsel for the informant.

2. Petitioner seeks regular bail in connection with
Muzaffarpur Sadar P.S. Case No. 328/ 2024 dated 28.05.2024
registered for the offence(s) punishable under Section(s) 366 of
the IPC.

3. As per the prosecution's case, the daughter of the
informant went to bring milk but she did not return. The
informant grew suspicious that his daughter had been kidnapped
by this petitioner.

4. The main submissions advanced by the petitioner's
counsel are that as per the FIR, the alleged occurrence is said to
have taken place on 05.05.2024 but the FIR was lodged on
28.05.2024, i.e., 23 days after the commission of the alleged



occurrence and as per the victim's own statement, the alleged sexual harassment started since the year 2016 and the same was being committed by the petitioner with her till the date of lodging of the FIR but during the said long period, the victim, who was admittedly major, did not raise any complaint. It is further submitted that the petitioner has been languishing in jail since 28.07.2024.

5. On the other hand, Mr. Rajesh Kumar, learned counsel for the informant has vehemently opposed the prayer of the petitioner and submits that admittedly, the petitioner is the husband of the cousin sister of the victim and he is more than 40 years of age, so, there is no question of any affair between him and the victim and from perusal of the victim's own statement, it is evident that the petitioner kept her in constant fear and threatened her and the allegation levelled in the FIR gets support from the statement recorded by the victim before the learned Judicial Magistrate. It is further submitted that victim's marriage has been fixed and it is scheduled very soon and the victim is in apprehension of creating obstacle in her marriage ceremony by the petitioner if he is enlarged on bail and further, trial of the petitioner has started and the charge has been framed and the victim's evidence will be recorded very soon and the next date fixed in the trial court is 17.04.2025 and on that date, the victim will appear for recording her evidence.

6. Considering the aforesaid submissions and the nature of the allegations appearing against the petitioner from the victim's statement and also taking into account the victim's apprehension disclosed by her counsel, as discussed above, this court is not inclined to release the petitioner on bail at this stage. Accordingly, his prayer stands rejected.



7. The petitioner is given a liberty to renew his bail prayer before the trial court after recording the evidence of the victim and if the petitioner avails this liberty then the trial court will decide the regular bail prayer of the petitioner without being prejudiced by this order according to merit as well as keeping in view the spirit of the aforesaid direction and liberty.

8. The informant’s counsel is directed to produce and examine the victim as a witness on the next scheduled date, i.e. 17.04.2025 and the trial court is directed to record the evidence of the victim on that date.

(Shailendra Singh, J)

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