

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86129 of 2024

Arising Out of PS. Case No.-527 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Ajay Purbey @ Ajay Purwe Son of Raj Kishor Purbey @ Raj kishor Purwe
Resident of Village- Khirhar, PS- Khirhar, Distt.- Madhubani, At present
residing at Village- Nagra Kadipur (Tent in the House of Manoranjan Singh),
P.S.- Nagra, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Adarsh Singh, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-03-2025 Heard learned Senior counsel for the petitioner and
Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 126(2), 127(2), 115(2), 76, 64, 318(4), 352, 351(2), 79 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 & 4 of the Immoral Traffic Act.

3. The case of the prosecution is that the informant was working in an *Orchestra* run by the petitioner. It has further been stated that the petitioner has been raping her for past three years and he also assaulted her upon protest. The informant left the work of *Orchestra* and married one Santosh Kumar. The



petitioner gagged the husband and brother-in-law of the informant in false litigation and compelled her to work in *Orchestra* and he has again been raping her every night. Lastly the petitioner made a plan to sell the informant. It is also alleged that another accused Mohammad Mahibul Haque made an attempt to rape the informant.

4. It has been argued by the learned counsel for the petitioner that the informant has given her statement under Section 164 Cr.P.C. in a case filed by the petitioner and in that case the informant has admitted that she is wife of the petitioner. The case of the informant is that she had married another person after the petitioner has been raping her. Learned counsel further submits that there is no evidence to substantiate that the marriage of the informant with the petitioner was ever divorced and in absence of that divorce there is no legal value of the second marriage. Admittedly, the informant is the wife of the petitioner, as the petitioner is the husband of the informant, the allegations of rape are not proved against him. The petitioner is a man of clean antecedent. The petitioner is in custody since 30.08.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chhapra Mufassil P.S. Case No. 527 of 2024 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Chapra, Saran.

(Ashok Kumar Pandey, J)

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