

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8159 of 2019

Arising Out of PS. Case No.-1524 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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AVINASH KUMAR SRIVASTAVA Son of Late Rajendra Prasad Srivastava,
Resident of Flat- No.-208, Nilambar Apartment, East Boring Canal Rd.,
Police Station-Buddha Colony, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hunny Sinha @ Hunny Srivastava D/o Prakash Lal , Wife of Nitin Kumar
Resident of Village – Derhgawn, P.S. Dawat, District-Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 14-05-2019 Heard.

The petitioner apprehends his arrest in connection with Complaint Case No.1524 of 2017 registered under Sections 406, 420, 120B, 354, 376, 323, 324 and 307/34 of the Indian Penal Code.

The accusation is that under the conspiracy of this petitioner and his father, the marriage of the opposite party no.2 was performed with Nitin Kumar, who was mentally immatured. After the marriage, the opposite party no.2 came to know the aforesaid fact. Thereafter, Late Rajendra Prasad Srivastava, the father-in-law of the opposite party no.2, started giving



allurement to the opposite party no.2 regarding the property. In the meantime, the petitioner being the brother-in-law of the opposite party no.2 started to use the opposite party no.2 sexually and she was also taken by her father-in-law at the clinic for pregnancy through IVF process. Later on, the opposite party no.2 gave birth to a male child. After that, the petitioner left the private service and started business in which black money of the family was also invested and, thereafter, the petitioner committed rape on the opposite party no.2 on several occasions in presence of her husband.

Learned counsel for the petitioner submits that, in fact, the after the death of the father of the petitioner, the opposite party no.2 lodged the present complaint case to grab the property of the family more than her share. Further submission is that it would appear from the complaint petition that the marriage of the opposite party no.2 was performed with the brother of the petitioner in the year 2007 and according to the opposite party no.2, she was harassed sexually by this petitioner since the year 2007 but the present complaint case is lodged in the year 2017.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his



arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Judge-XVI-cum-Additional Chief Judicial Magistrate, Patna, in connection with Complaint Case No.1524 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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