

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23721 of 2019

Arising Out of PS. Case No.-834 Year-2017 Thana- COMPLAINT CASE District-
Kishanganj

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ABHIJEET KUMAR DAS Son of Satyendra Kumar Das Resident of Village -
Kasera Patti Road, Near the Sahara India, P.S. and District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Megha Sharma D/O- Gopal Sharma Resident of Village - Jagnath School
Chowk, P.S.and District- Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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

ORAL ORDER

4 02-08-2019 Heard the parties.

The petitioner seeks pre-arrest bail in Complaint Case
No.C834 of 2017 registered for the offence under Section 376 of
the Indian Penal Code.

Accusation is that in the late evening of 02.08.2017
complainant O.P.No.2 was at her door, at that time this
petitioner was along with his family members kidnapped her by
administering intoxicated food material in the name of 'Prasad'
and she was taken to Delhi where she was handed over to the
gang of co-accused Sanjay Sachdeva and till two days all the
accused persons including the petitioner used to give threatening
her of killing her brother and maternal uncle as well as



implicating her all family members in a false case of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. On 04.08.2017 the petitioner committed rape on her giving threatening and he also got recorded her statement under Section 164 Cr.P.C. in his favour in the case lodged by her father under Section 164 Cr.P.C.. Thereafter she gave information to the different officers regarding her kidnapping and rape but no action was taken in this regard. It is further alleged that the petitioner has also got prepared the forged marriage certificate with the help of Sanjay Kumar Sachdeva, Harpal and Raj Kumar. In retaliation of the application filed by the complainant Megha Sharma before the Superintendent of Police, Kishanganj the petitioner got Face Book Account prepared on internet in the name of "Megha Abhi" and was loading her objectional photographs.

Learned counsel appearing on behalf of the petitioner submits that regarding the same occurrence the father of the victim girl (the complainant herein) has lodged the case bearing Kishanganj P.S. Case No.403/17 in which the statement of O.P.NO.2 was recorded under Section 164 Cr.P.C. and on that date her age was assessed as 18 years and she has stated that she had gone to Delhi according to her own volition as also she



has not supported the prosecution case that too lodged by her father. In connivance with the parents and her family members the complainant has filed the instant complaint case. He further submits that after investigation the police submitted final form.

Having heard learned counsel for the parties and taking into considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M., Kishanganj, in Complaint Case No.C 834 of 2017 subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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