

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46919 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- MAHILA P.S. District- Patna

Abhishek Kumar, Son of Shiv Bachan Yadav, Resident of Mohalla -
Kailuchak, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-09-2019 Heard Shri Yogesh Chandra Verma, learned Senior
Counsel appearing for the petitioner and the learned counsel
appearing on behalf of the State.

The petitioner is in custody since 19.04.2019 in
connection with Mahila P.S. Case No.30 of 2019 registered for
the offence under Sections 376 and 420 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
informant has made out a case against the petitioner of having
sexually exploited her and had also entered into a temple
marriage with her and thereafter they had been living together
since the year 2014. It is further submitted that they had also
lived together in a room in Ram Krishna Nagar, but



subsequently, the petitioner deserted her and even failed to recognize her in front of his own relatives and therefore, the informant was constrained to file the present application.

Learned counsel for the petitioner submits that earlier this informant had given an informatory petition before the Mahila Police with altogether different story and, therefore, the petitioner was called upon to appear before it, as notices were issued under Section 41 of the Cr.P.C. to the petitioner. Learned counsel further submits that in pursuance of such notice, the petitioner, who was then at Delhi, came to Patna on 18.04.2019 and appeared before the police and thereafter he has been taken into custody. In this connection, the petitioner has also produced certain Railway reservation slips.

Learned counsel for the petitioner has further pointed out the statement made by the victim girl/informant in her deposition in the court under Section 164 Cr.P.C. wherein she has given a still different version and in which she has contended that she is still living with the petitioner. He thus submits that the informant having given three different versions before the three different authorities, the case against the petitioner is squarely false and prosecution story as made out in the F.I.R. is not believable. He further submits that the



petitioner is willing and ready to co-operate in any investigation which will ensue hereinafter and shall also appear in the court as and when required. He further submits that the petitioner is a student and is in search of a job and has been languishing in jail for the last five months, which will seriously jeopardize his career and has been engineered to force him into marriage.

Diary in the present case was called for earlier, which has since been received.

Learned counsel appearing on behalf the State after perusal of the case diary submits that save and except certain statements made by the informant in the F.I.R. and the varied version in the statement made before the court under Section 164 Cr.P.C., the prosecution story appears to be under a cloud. He further submits that, however, the case is that the petitioner had sexually exploited the girl for a pretty long years and had also married her, but such story does not stand supported by any other independent witness in the case diary.

Having considered the entire facts and circumstances of the case and in view of the distinct cloud in the prosecution story and that various versions have been advanced by the informant/victim, let the petitioner, above



named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-II, Patna, in connection with Mahila P.S. Case No.30 of 2019, subject to the following conditions:

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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