

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21989 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- MAHILA PS District- Aurangabad

Akshay Kumar Singh, Son of Ambika Singh, Resident of Village - Gurgaia
Karma, P.S.- Muffasil, Aurangabad, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-07-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Mahila P.S. Case No.53 of 2019 instituted for the offence punishable under Sections 376, 420, 506 of the Indian Penal Code and Section 67 of the I.T. Act.

The informant alleges that her age is 18 years on the



date of lodging of the First Information Report. Two years prior to the date of F.I.R., it is alleged that the petitioner on the allurement of solemnizing marriage with the informant has established physical relation and has been doing so since last two years.

Petitioner's counsel submits that from the allegations in the F.I.R. itself, it is obvious that the informant had been consenting to the relationship for the last two years. Only to lend gravity to the allegation, she has stated that she was a minor at the time of occurrence. Actually, the informant was not a minor at that point of time. On such allegation, the petitioner has been in custody since 23.11.2019. Prior to the instant case, the petitioner was made an accused for the offence under the Excise Act in which case he is already on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Aurangabad, in connection



with Mahila P.S. Case No.53 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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