

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19406 of 2021

Arising Out of PS. Case No.-394 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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Shambhu Kumar Son Of Vidyanand Prasad @ Biddhanand Singh R/O
Village- Teyap, P.S- Uphara, Dist- Aurangabad(Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Sarbottam Kumar Sarkar, Advocate
For the Informant	:	Ms. Leelawati Kumari, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-10-2021 Heard learned counsel for the petitioner, Ms. Leelawati Kumari, learned counsel for the informant and Mr. Shyameshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Aurangabad Town P.S. Case No. 394 of 2020 registered for the offence under Section 366(A)/34 of the Indian Penal Code. He is in custody since 31.10.2020 having no criminal antecedent.

As per the prosecution story, this petitioner was teaching the daughter of the informant, he is said to be a married man and has got children. It is alleged that over the period the petitioner became a tenant in the house of the informant. After some time the wife of the informant told that the daughter was not in the house whereafter inquiries were made and it was found that



the petitioner as well as the daughter of the informant were missing. Later on, when the informant went to the house of the petitioner then the father of the petitioner had abused him and told that his son has solemnized marriage with the daughter of the informant. The allegation is that the petitioner had abducted the daughter of the informant and threatened that if any case would be lodged then the informant will not see the face of his daughter.

Learned counsel for the petitioner submits that the allegations are false and flimsy. The daughter of the informant is admittedly major and she had developed love towards the petitioner while living together, they were in relationship for the last one year. The victim girl has been assessed aged about 19-21 years and in her 164 Cr.P.C. statement she has stated that the petitioner was residing in her house for the last six years as a tenant and they were in relationship for the last one year.

Learned counsel for the petitioner submits that the victim is major and she had established physical relationship with her on her own volition.

Dr. Leelawati Kumari, learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner. She has submitted that the petitioner being a teacher was accommodated in the house of the informant as a tenant on trust and belief that he being a married person having three children



would not involve in any illegal act. He was the teacher of the daughter of the informant but being in a position of trust he allured the daughter of the informant and established physical relationship with her on false pretext and allurement that he will marry the daughter of the informant. The petitioner was aware that he was a married person and he could not have married the daughter of the informant.

Learned counsel further submits that no doubt the victim has made statement that she was in relationship with the petitioner for the last one year but being in relationship does not mean establishing physical relationship and there the statement of the victim is very specific that the petitioner established physical relationship with her in the Hotel after alluring her, taking her to Varanasi and keeping her in the Hotel. Thus, at this stage when the physical relationship was made the petitioner cheated upon her.

Learned A.P.P. for the State has also opposed the prayer for bail of the petitioner and has endorsed the submission of learned counsel for the informant.

Considering the facts and circumstances of the case, wherein this petitioner is said to be a married person having three children, he was in a position of trust being a teacher of the daughter of the informant and having been accommodated in the house the informant had imposed his faith in the petitioner but as



per allegation the petitioner had allured the daughter of the informant, though she was major but on a false pretext of marriage she was taken to the Hotel at Varanasi where the petitioner established physical relationship with her repeatedly for several days knowing fully well that he was a married person and has got three children, the conduct of the petitioner being such besides the seriousness of the allegations that this court is not inclined to release the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

