

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14721 of 2021**

Arising Out of PS. Case No.-144 Year-2020 Thana- NASRIGANJ District- Rohtas

Santosh Kumar S/o Parsuram Ram R/o village- Hariharganj, Ward No. 9, P.S.-
Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate
	:	Mr. Shankar Kumar, Advocate
For the Informant	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

7 10-01-2022 Heard learned counsel for the petitioner, Shri Manoj Kumar, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks regular bail in connection with Nasriganj P. S. Case No. 144 of 2020 dated 30.08.2020 instituted for the offences under Section 366A of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 31.08.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant in the F.I.R. alleges that his sister aged about seventeen years was enticed by this petitioner on 29.08.2020 and she fled with the petitioner along with Rs. 95,000/- and some ornaments.



Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it is clear that the victim had reached the age of discretion and had left on her own volition with petitioner as while fleeing she took Rs. 95,000/- and some ornaments. Further from paragraph '8' of the case diary it is evident that I.O. received information that the petitioner and the victim were waiting to catch a bus on the main road at village Parauri and accordingly they were apprehended and brought to the police station on 30.08.2020. Further, the statement of the victim was not recorded immediately rather was recorded on 02.09.2020 wherein she, under parental pressure, stated that petitioner had kidnapped her and even raped along with his father-in-law. Learned counsel further submits that the victim in writing had given that she does not want to go for medical examination which *prima-facie* shows that allegation of rape was exaggerated version of the occurrence to give seriousness to the case under parental pressure. It is also submitted that from perusal of statement under Section 164 Cr.P.C. it would manifest that the petitioner is own cousin of victim and this fact was concealed in the F.I.R. Learned counsel for the petitioner submits that victim was helped by petitioner in eloping as she was in love with someone which was being objected by her parents and when the police apprehended and got her statement recorded, under



parental pressure, she made false statement under Section 164 Cr.P.C.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that as to why on enticement of this petitioner the victim fled along with Rs. 95,000/- and ornaments which amply demonstrates that the victim on her own volition left with the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 31.08.2020, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and the victim in writing refused to go for medical, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Bikramganj, Rohtas in connection with Nasriganj P. S. Case No. 144 of 2020.

(Satyavrat Verma, J)

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