

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.1988 of 2022**

Arising Out of PS. Case No.-153 Year-2021 Thana- DORIGANJ District- Saran

Abhishek Kumar S/O Ratan Saroj R/o village- Susuwahi Malviya Nagar  
Colony, P.S.- Chitarpur, District- Varanasi (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 3700 of 2022**

Arising Out of PS. Case No.-153 Year-2021 Thana- DORIGANJ District- Saran

Bittu Singh @ Satyam Raj Son of Lalan Kumar Gupta Resident of Village -  
Bhairampur Doriganj, P.S.- Doriganj, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 1988 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

For the Informant : Mr. Sushil Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 3700 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

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

For the Informant : Mr. Sushil Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

3      18-07-2022

**Cr. Misc. No. 1988 of 2022**

Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Doriganj



P.S. Case No. 153 of 2021 registered for the offence under Sections 363 and 366(A) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 26.10.2021.

The allegation against the petitioner is to kidnap the daughter of the informant, alongwith other co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that the entire allegation is false and concocted for the reason that at the time of occurrence, the victim having love affair with the petitioner. It is submitted that the victim solemnized her marriage, with the petitioner out of her own sweet will and her statement was recorded under the pressure of her parents. It is submitted that a criminal writ was also filed on behalf of the victim girl bearing Cr.W.J.C. No. 1009 of 2021 seeking relief through writ of *mandamus* to protect her from parents, as she had all reason to believe, regarding threat to her life, as she had married with the petitioner out of her own sweet will. This writ was, subsequently, withdrawn by the victim. It is further submitted that the marriage of the petitioner with the victim girl was duly registered under Uttar Pradesh Marriage Registration Rule, 2017 on 13.07.2021 and the marriage



certificate was duly issued by the Marriage Registration Officers, Varanasi. While travelling over the argument, it is submitted that two out of four co-accused persons, having similar allegations, have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.733 of 2022 dated 19.05.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that it is a case of gangrape where the victim girl was kidnapped by the petitioner and his friends, while she went for morning walk in nearby park. It is submitted that victim girl categorically and specifically stated about the occurrence of kidnapping and gangrape by the petitioner and his three friends in her statement recorded u/s 161 and 164 of the Cr.P.C. It is also submitted that the trial is almost concluded, where total of six chargesheeted witnesses have already been examined. It is submitted by learned counsel for the informant that victim girl has already been examined before the Trial



Court, where she supported the occurrence of kidnapping and gangrape with her by petitioner and other co-accused persons and at this stage, considering the prayer of bail shall be fatal for trial. It is submitted that learned counsel for the informant that genuineness of writ petition is doubtful, for the reason that bail order of co-accused speaks that it was filed by both boys and girl, whereas, same is being filed and withdrawn by girl only.

Considering the facts and circumstances as mentioned above and considering the statement of victim recorded under Sections 161 and 164 of Cr.P.C., also deposition before the trial Court, alongwith the stage of trial, this Court, at present, is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court is directed to conclude the trial, by taking the matter on board on daily basis, within a period of two months from the date of receipt of this order.

Superintendent of Police, Saran is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of the trial, within aforesaid time period.

**Cr. Misc. No. 3700 of 2022**



Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Doriganj P.S. Case No. 153 of 2021 registered for the offence under Sections 363 and 366(A) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 11.12.2021.

The allegation against the petitioner is to kidnap the daughter of the informant, alongwith other co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that the entire allegation is false and concocted for the reason that at the time of occurrence, the victim having love affair with the co-accused, namely, Abhishek Kumar. It is submitted that the victim solemnized her marriage, with the co-accused, namely, Abhishek Kumar, out of her own sweet will and her statement was recorded under the pressure of her parents. It is submitted that a criminal writ was also filed on behalf of the victim girl bearing Cr.W.J.C. No. 1009 of 2021 seeking relief through writ of *mandamus* to protect her from



parents, as she had all reason to believe, regarding threat to her life, as she had married with the co-accused, namely, Abhishek Kumar, out of her own sweet will. This writ was, subsequently, withdrawn by the victim. It is further submitted that the marriage of the co-accused, namely, Abhishek Kumar with the victim girl was duly registered under Uttar Pradesh Marriage Registration Rule, 2017 on 13.07.2021 and the marriage certificate was duly issued by the Marriage Registration Officers, Varanasi. While travelling over the argument, it is submitted that two out of four co-accused persons, having similar allegations, have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.733 of 2022 dated 19.05.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that it is a case of gangrape, where the victim girl was kidnapped by the petitioner and his friends, while she went for morning walk in nearby park. It is submitted



that victim girl categorically and specifically stated about the occurrence of kidnapping and gangrape by the petitioner and his three friends in her statement recorded u/s 161 and 164 of the Cr.P.C. It is also submitted that the trial is almost concluded, where total of six chargesheeted witnesses have already been examined. It is submitted by learned counsel for the informant that victim girl has already been examined before the Trial Court, where she supported the occurrence of kidnapping and gangrape with her by petitioner and other co-accused persons and at this stage, considering the prayer of bail shall be fatal for trial. It is submitted by learned counsel for the informant that genuineness of writ petition is doubtful, for the reason that bail order of co-accused speaks that it was filed by both boys and girl, whereas, same is being filed and withdrawn by girl only.

Considering the facts and circumstances as mentioned above and considering the statement of victim recorded under Sections 161 and 164 of Cr.P.C., also deposition before the Trial Court, alongwith the stage of trial, this Court, at present, is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court is directed to conclude the trial, by taking



the matter on board on daily basis, within a period of two months, from the date of receipt of this order.

Superintendent of Police, Saran is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of the trial, within aforesaid time period.

**(Chandra Shekhar Jha, J)**

Ankit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

