

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9124 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- AUANGARI District- Nalanda

Pintu Kumar Son of Ram Niranjana Prasad Resident of Village - Deva Bigha,
P.s.- Ekangarsarai, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Arun, Advocate.
For the Opposite Party/s	:	Mr.Binod Kumar, APP.
For the Informant	:	Mr. Anil Kumar Singh, Advocate.
		Mr. Gaurav Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Auangari P.S. Case No. 107 of 2021 registered for the offence under Section 366/34 of the Indian Penal Code.

Allegedly, informant's sister aged about 24 years was abducted by co-accused Shankar Kumar alongwith other unknown persons.

The main submissions advanced by Mr. Arun Kumar Arun learned counsel appearing for the petitioner are that the



petitioner is not named in the FIR, he is a student having clean antecedent, and the victim has been recovered from a public place near Ajanta cinema hall and during the course of investigation the independent witnesses have not supported the allegation made in the FIR and according to them there was love affair between the victim and the petitioner. Further submission is that the victim is major and after recovery she denied for medical examination.

Mr. Anil Kumar Singh learned counsel appearing for the informant as well as Mr. Binod Kumar learned APP appearing for the State has opposed the bail prayer and submitted that the victim has recorded her statement under Section 164 Cr.P.C. in which she has made specific allegation against the petitioner and after the investigation the police submitted charge-sheet under Section 376 and other allied sections of the Indian Penal Code against the petitioner.

Heard both the sides and perused the FIR and case diary of this case. Petitioner is not named in the FIR and as per above submissions he is student having clean antecedent. The case diary goes to show that the victim did not produce herself for medical examination and the statements of some independent witnesses mentioned at Paragraph No. 73 and 76 of



case diary are against the allegation of abduction as well as rape. Though the victim has made allegation against the petitioner and co-accused in her statement recorded under Section 164 Cr.P.C but denial made by her for medical examination and the statement of room owner where the victim stayed for some days along with this petitioner goes in favour of the petitioner's defence that the victim got sufficient opportunity to resist the alleged act of the petitioner but she remained silent. It appears that during the course of investigation the victim was found near the cinema hall in alone condition and one independent witness mentioned at Paragraph No. 76 of case diary stated that there was physical relationship between the victim and petitioner. Considering these facts as well as petitioner's clean antecedent, his custody period and his young age this Court is inclined to grant a privilege of bail to him. Let the petitioner 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 concerned Court in Connection with Auangari P.S. Case No. 107 of 2021, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the



Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

sangam/-

U		T	
---	--	---	--

