

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46622 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Rohtas

Abhimanyu Kumar @ Abhimanyu Kumar Singh Son of Arjun Singh Resident
of Village - Banjari, P.s.-Akabarpur, Distt.- Rohtas (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sonal Kumari D/o late Arvind Kumar Tiwari Resident of Village -
Bikramganj Gautam Nagar, P.S.- Bikramganj, Distt.- Rohtas (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mrs. Sangeeta Sharma, A.P.P.
For the Informant	:	Mr. Bijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 24-02-2022 Heard learned counsel for the petitioner as well as

learned counsel for the Informant and learned Additional Public

Prosecutor for the State.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Mahila P.S.

Case No. 39 of 2020 registered for the offences punishable

under Sections 341, 323, 376, 496, 34 of the Indian Penal Code.

According to prosecution case, the informant/victim

girl aged about 17 years, had given written complaint to SHO,

Bikramganj stating therein that the accused Abhimanu Kumar

had kidnapped her by inducing her and threatening her in the



year 2018. The accused committed rape with her on the pretext of marriage and he kept the victim at the house of different relatives. After four months she became pregnant and also delivered a child.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there was love affair between the petitioner and the victim. He further submits that the victim girl in her deposition on 12.03.2021 has categorically stated that the allegation of rape is false and they are living as husband and wife after performing the marriage and they were blessed a child. The petitioner is in custody since 04.09.2020.

The learned counsel for the Informant and learned counsel for Additional Public Prosecutor have fully supported the submission of learned counsel for the petitioner and they did not controvert the submission made on behalf of the petitioner.

Considering the aforesaid facts and circumstances, 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 A.D.J.-VI-cum-Special Judge, POCSO, Rohtas at Sasaram in connection



with Mahila P.S. Case No. 39 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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