

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50230 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- MAHILA PS District- Gaya

=====

ABINASH KUMAR Son of Akhilesh Singh Resident of Village - Jagpura,
P.O.- Jagpura, P.S.- Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Adv

For the Opposite Party/s : Mr.Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 376,493,34 of the Indian Penal Code.

The prosecution case, in short, is that informant Archana Kumari used to go to her cousin sister occasionally, where she met with a boy namely, Abinash Kumar and fell in love. Abinash always used to say that he will marry with her when he will get job and on this pretext he made physical



relationship with the informant. Fortunately, after 1.5 years he was selected in Jharkhand police. Her relationship with petitioner was yet good. When she told him to get marry as per promise, he always used to evade the marriage with informant. Her family also tried to make him understand but in vain. On 02.07.2020, petitioner came with informant in Mansarovar Hotel, Gaya and registered a room by giving Aadhar Card Nos.of both and stayed in the room. In the next morning at about 10.00 AM, petitioner left her without telling anything. Thereafter she went to Abinash's house and met his parents and told that their son used to love her, then his parents told her go from there otherwise she will be killed. They beat her by fist and leg and ousted her from the village.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the victim was solemnized the marriage at Deoghar with the petitioner on 13.10.2020. Petitioner is in custody since 12.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



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 learned Court below where the case is pending in connection with Mahila P.S. Gaya Case No.10 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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 bailors must be the informant of this case.

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)

Nitesh/-

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

