

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70136 of 2021**

Arising Out of PS. Case No.-25 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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AVINASH KUMAR Son of Paras Nath Singh Resident of village -
Khachriyan, P.S.- Bagen Gola, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Adv.

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

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

2 27-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 25 of 2020 registered for the offences punishable under Sections 363, 366, 342, 376 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 02.09.2021, charge-sheet has been submitted in the case and is a person with clean antecedent and the informant alleges that Avinash (petitioner) is brother-in-law of her sister, on account of which they became friends and started talking on mobile, it is further alleged that the petitioner used to come to her house also but on account of certain issues differences cropped up and since July 2019 they stopped



talking. It is further alleged that petitioner used to threaten the family member of the informant including the informant that if she marries someone else, she will be killed. It is next alleged that on 17.09.2019 when the informant had gone to check her admission in B.A. to Isri Bazar, where petitioner and his friend Mukesh forcibly abducted her in a Bolero vehicle and took her to Makhdumpur and thereafter, committed some wrong acts. Thereafter both of them took her signature on blank paper and the petitioner said that he has performed court marriage with her and also put vermilion on her head and thereafter fled away. It is next alleged that thereafter she was confined in a room for nearly 45 days during which the petitioner used to commit wrong acts, thereafter it is alleged that Mukesh took her to Surat on the pretext that Avinash (petitioner) was there from before, it is further alleged that on reaching Surat Mukesh started committing atrocities and also committed wrong acts. It is next alleged that in November 2019 she called her sister and disclosed the entire occurrence. Accordingly, her brother Vikash came to Surat with whom she came back home.

The learned counsel submits that petitioner has been falsely implicated in the present case as would manifest from the allegation as alleged in the FIR itself, it is submitted that the



case has been instituted alleging kidnapping, the learned counsel submits that it absolutely does not stand to reason that if the informant was kidnapped then why no FIR came to be instituted by her family member, this in itself demonstrates that the informant and the petitioner were in love, they married and later when it was objected by the parents, the present false case came to be instituted. It is submitted that as far as allegation of rape is concerned, the learned counsel submits that the informant and the petitioner as would appear from the allegation itself were in love, they married and they entered into physical relation. It is further submitted that the fact that kidnapped herself after coming back has instituted the present case that in itself falsifies the entire allegation.

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

Considering the fact that petitioner is in custody since 02.09.2021, charge sheet has been submitted in the case, is a person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/successor court in
connection with Jagdishpur P.S. Case No. 25 of 2020.

(Satyavrat Verma, J)

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