

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3465 of 2023

Arising Out of PS. Case No.-753 Year-2022 Thana- AGAMKUAN District- Patna

AJAY KUMAR @ AJAY SAH S/O MANKESHWAR PRASAD R/o- Flat
No.- 202, Amit Peri Apartment, P.S.- Buddha Colony, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Krishna Chandra, Advocate
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP
For the informant	:	Mr. Satyendra Narain, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-05-2023 Heard Mr. Ansul, learned counsel for the petitioner assisted by Mr. Krishna Chandra, learned counsel for the petitioner, Mr. Satyendra Narain, learned counsel for the informant and Mr. Nand Kishore Prasad, learned APP for the State.

Petitioner seeks bail, who is in custody since 15.10.2022, in connection with Agamkuan P.S. Case No. 753 of 2022, F.I.R. dated 28.09.2022, registered for the offences punishable under Sections 420, 376, 323, 307, 34 and 506 of the Indian Penal Code.

Prosecution story is that the informant, Priyanka Pandey, has given a written report before Agamkuan P.S. that after getting her nursing degree from Varanasi, she joined



Oxyge Hospital in Patna in October, 2018 as a nurse. Where she met Ajay Kumar @ Ajay Sah and he is present posted in Nector Hospital A-36, P.C. Colony Bankmen Colony Patna Bihar. Petitioner was working as doctor in that hospital. But he did not have any kind of doctor's degree which she came to know later and petitioner used to treat patients as well. Informant and petitioner to meet frequently because of working in the same hospital. Informant lived alone in a hostel and petitioner often started helping her with everything. The petitioner told the informant once in the month of October 2018 at a flat in Buddha Colony which he had rented. There informant was called for lunch in the after noon and by adding some intoxicant in the food she made unconscious by informant which made her hands and feet loose and then in her semi unconscious state petitioner raped her and also made a view of it and when late in the evening the informant got some strength in her body, then she told the petitioner that she will send him to jail for raping after complaining to the police and when the informant talked about complaining to the police for rape, the petitioner forcibly made physical relations with her in his mobile and showed him many nude videos and photo and said, if the informant mention this anyone any where else. He will



make her video and photo viral. After this the petitioner started blackmailing the informant and often started raping her and also started demanding money from her and she was compelled to fulfill his demand. Petitioner used to forcefully take the informant to that flat and used to rape her. Petitioner after keeping her as a concubine in said flat for about eleven months. Petitioner took away Rs.19,80,000/- from the informant. Petitioner's family members namely, Sanjay Soni have also taken away about Rs.4,00,000/- from her on the pretext of getting her married to petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the counter affidavit of the informant that the informant has filed three cases and the petitioner was remanded in the present case and all cases have been filed against the petitioner. He further submits that the allegation as per the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and in fact the informant is a married lady and she had performed marriage in long back in the year with Pankaj Kumar Chaturvedi in Uttar Pradesh and the police after investigation submitted the



chargesheet against the petitioner and the petitioner is in custody since 15.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three criminal antecedent other than the present but he has not mentioned in the bail application. Learned counsel for the petitioner submits that all the case as mentioned in the counter affidavit filed by the informant against the petitioner is after the date which the petitioner remanded in the present case by knowledge.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IV, Patna City, in connection with Agamkuan P.S. Case No. 753 of 2022, 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 witness, 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 antecedents, 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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