

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12616 of 2023**

Arising Out of PS. Case No.-74 Year-2022 Thana- MAHILA PS District- Darbhanga

Amrendra Kumar Yadav @ Amrendra Kumar S/O Krishnadeo Yadav @
Kishundeo Yadav R/v- Kabariya, P.S.- Dasar, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yash Sahay, Advocate Mr. Nikhil Kumar Agrawal, Advocate
For the Informant	:	Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.01.2023 in connection with Darbhanga Mahila P.S. Case No.
74 of 2022, F.I.R. dated 04.01.2022 for the offences punishable
under Sections 376, 313, 506 and 34 of the Indian Penal Code.

According to prosecution case, in brief is that in
course of taking tuition classes the informant developed affair
with the accused Raj Shekhar Raj @ Nandan Kumar and they
were having regular telephonic contact with each other, however
upon protest of the family member the communication between
them got disrupted. It is alleged that subsequently said Raj



Shekhar Raj again established communication upon threatening the informant and later on committed rape with her on the occasion of Chhath festival when the informant was alone in her house. It is further alleged that accused Raj Shekhar @ Nandan Kumar established physical relation with her several times and when she got pregnant then he along with his father sent the accused Amrendra Yadav (petitioner) as emissary and persuaded the informant to abort the child. It is further alleged that subsequently, they in collusion with each other induced medicine to her and got her pregnancy terminated and thereafter the accused Amrendra Yadav and Raj Shekhar @ Nandan Kumar established physical contact with her after inducing her some intoxicating injection.

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 the petitioner is friend of co-accused namely, Raj Shekhar Raj @ Nandan Kumar. He further submits that it appears from the F.I.R. that the allegation of sexual assault is attributed against the co-accused person and there is no allegation of any sexual assault against the petitioner and the allegation as alleged in the F.I.R. against the petitioner is that the petitioner had coaxed the



informant into consuming “Mifty Kit” medicine due to which he had an abortion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has never provided the “Mifty Kit” medicine to the victim and the statement of the victim girl was recorded under section 164 of Cr.P.C. in which she has not stated anything about sexual assault against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.01.2023.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail 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 S.D.J.M., Darbhanga in connection with Darbhanga Mahila P.S. Case No. 74 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 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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