

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29217 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- LAXMIPUR District- Jamui

Abhishek Kumar Son Of Krishna Singh R/O Village- Agahara, P.O.- Baruatta,
P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Prabeen Kumar Singh, Advocate Mr. Chhote Lal Mishra, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
23.02.2023 in connection with Laxmipur P.S. Case No. 71 of
2023, F.I.R. dated 16.02.2023 for the offences punishable under
Sections 366A/34 of the Indian Penal Code.

3. According to prosecution case, on the basis of
written report given by the informant namely, Ramavtar Singh
that on 15.02.2023 at about 2:00 P.M. his daughter, the victim
herein, missing from the house. Teh informant tried to find out
the daughter from his neighbors and it was came to his
knowledge that Abhishek Kumar has committed this crime. The
informant also inquired from him and he disclosed that he has



provided a mobile phone and SIM card to the victim. The informant has expressed apprehension against the accused Abhishek Kumar.

4. 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 cousin brother of the victim and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and at the time of filing of the present F.I.R. the petitioner was present along with informant. He further submits that the statement of the victim was recorded under Section 161 of Cr.P.C. in which she has not stated anything about the sexual assault or against petitioner but in her statement recorded under Section 164 of Cr.P.C. she has changed her version and she has stated that the petitioner has committed rape upon her but she has not disclosed that on which date petitioner has committed rape upon her and the medical report also not support the allegation as alleged in the statement of the victim under Section 164 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.02.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. 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 Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. Case No. 71 of 2023, 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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