

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57871 of 2023

Arising Out of PS. Case No.-709 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Avinash Kumar @ Abhinash, Son of Sri Kanchan Ram, Resident of Village- Sirsi Samiya Garh, P.S.- Bhadour, Dist- Patna
2. Abhishek Kumar @ Azad @ Abhishek, Son of Sri Kanchan Ram, Resident of Village- Sirsi Samiya Garh, Ps- Bhadour, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-09-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Nathnagar (Lalmatiya) P.S. Case No. 709 of 2022 dated 12.09.2022 registered for the offences punishable under Sections 363 and 366(A)/34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel for the petitioners are that the so-called victim has been recovered and she recorded her statement under Section 164 of Cr.P.C. in which she did not make any allegation against the petitioners and in view of her statement, the allegation made in the FIR has been falsified and the said victim disclosed her age



as 18 years before the Judicial Magistrate and both the petitioners, who are young persons, have fair and clean antecedent.

4. Learned APP for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly taking into account the victim's statement recorded under Section 164 of Cr.P.C. as discussed above, in my opinion both the petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to the satisfaction of the Court concerned in connection with Nathnagar (Lalmatiya) P.S. Case No. 709 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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