

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63245 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

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AVINASH KUMAR @ PANKAJ KUMAR Son of Nand Kishore Paswan @
Nand Kishore Ram R/v- Ganghar, P.S.- Magadh University, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pintu Kumar Patel, Advocate
For the Informant	:	Mr. Sanjay Parasmani, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 493, 354(D), 504, 506,
34 of the Indian Penal Code.

The prosecution case, in short, is that the informant
Sulekha Kumari @ Gudiya is that she met with petitioner
Avinash Kumar @ Pankaj Kumar in the year 2019 who works
as a photographer and she has been sexually abused
continuously since 2019. On the pretext of marriage, the
petitioner made physical relationship and made her abortion in
the year 2021 and when the informant told him to marry then he



and his family members started abusing and denying to marry. It is further alleged that the petitioner also made wrong video and threatened that if she pressurize to marry then this video published in public and always tortured physically and mentally.

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 the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place. He further submits that it appears from the F.I.R. that on the pretext of marriage the present occurrence has taken place.

Learned counsel appearing on behalf of the informant as well as learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner, and submits that the statement of the victim girl was recorded under Sections 164 of the Cr. P.C. in which she has categorically stated that on the pretext of marriage the petitioner has committed rape upon her. They further submit that according to medical report of the victim suggest that rape cannot be denied upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Magadh



University P.S. Case No. 118 of 2022 pending in the Court of
Sri Md. Afzal Khan, learned Judicial Magistrate 1st Class, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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