

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66684 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- BELHAR District- Banka

ABHISHEK KUMAR SON OF ASHOK SAH R/o vill - Vanvarsha, P.S. -
Khesar, Distt. - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and Mr.Ajay
Kumar No. 2 learned Additional Public Prosecutor for the State.

2. The petitioner is in custody since 23.04.2023 in connection with Belhar (Khesar) P.S. Case No. 165 of 2023 registered for the offence punishable under Sections 366 and 376 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have abducted the victim and committed rape upon her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that from reading of the statement under Section 161 Cr.P.C., it appears that the victim was in a relationship with the petitioner and she has not said or made allegation of any sexual assault upon the petitioner. Subsequently, in the statement



recorded under Section 164 of the Cr. P.C., the victim has also not alleged sexual assault by the petitioner. Petitioner has no criminal antecedent.

5. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1, Banka/Court concerned in connection with Belhar (Khesar) P.S. Case No. 165 of 2023.

(Sandeep Kumar, J)

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