

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68356 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- SUIYA District- Banka

Ashish Kumar, son of Kailash Yadav village- Pindra Mathadih P.S.-
Bhairoganj Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Suiya P.S. Case No. 76 of 2023, lodged on 01.06.2023 under
Sections 376, 420, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the 4 named accused persons including the
present petitioner and the allegation made in the FIR by the
victim herself that she is aged about 18 years and she and the
petitioner fell in love with each other and on the pretext of
marriage, petitioner established physical relationship with the
informant. Subsequently, on the question of marriage, the
petitioner fled away and the family members of the petitioner
had denied to perform marriage of the petitioner with the victim.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He also submits that from the contents of the FIR, it transpires that the physical relation was developed between the petitioner and the informant with their consent. He further submits that it has also revealed that the informant is a major and due to some reasons when the marriage was not solemnized then the FIR has been lodged. He further submits that in statement under section 164 Cr.P.C., she has denied the earlier physical relation before the Court and submits that the physical relation has been developed later on. Learned counsel for the petitioner also submits that the antecedent of the petitioner is clean and he is in custody since 08.08.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that by committing false promise, physical relation has been developed between them.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Banka in connection with Suiya P.S. Case No. 76 of 2023, subject to the conditions as laid down U/s 437(3)



Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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