

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22648 of 2024

Arising Out of PS. Case No.-42 Year-2021 Thana- VISHNUPAD District- Gaya

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ABHISHEK KUMAR SINHA S/O ASHUTOSH KUMAR R/O MOHALLA-
MEHDIBAGH, GODAWARI ROAD, P.S- VISHNUPAD, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Akela, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-09-2024 Heard learned counsel for the petitioner and the

State .

2. This is second anticipatory bail application of this petitioner. Earlier the bail petition of this petitioner stood rejected by the Co-ordinate Bench of this Court vide order dated 14.07.2023 in Cr. Misc. No. 68628 of 2023 .

3 . Petitioner apprehends arrest in a case registered for the offence punishable under sections 406, 323 , 354 (B), 379, 376, 504 and 506 of the Indian Penal Code .

4. As per the prosecution case, it is alleged that this petitioner on false promise of marriage, established physical relationship with informant. It is further alleged that this petitioner also took three lakhs rupees and gold jewellery from



informant for starting business with an assurance to return the same , but whenever informant demanded her money and jewellery back, petitioner abused and also assaulted her and also threatened informant with dire consequences.

5 . Learned counsel for the petitioner submits that earlier the anticipatory bail petition of this petitioner stood rejected by a Co-ordinate Bench of this Court vide order dated 14.07.2023 in Cr. Misc. No. 68628 of 2023 . Petitioner has renewed his prayer for anticipatory bail on the ground that after rejection of his bail, police submitted chargesheet under Sections 406, 420, 323 , 354 (B), 379, 376, 504 and 506 of the IPC against this petitioner and learned Court below after perusal of chargesheet and case diary took cognizance under Sections 323 , 379, 420, 504, 506, 509 and 406 of the IPC . There is no documentary evidence with regard to receiving money or jewellery items is on record. From bare perusal of F.I.R., it is apparent that informant is married lady having a child of 14 years and is running a beauty parlour and both petitioner and informant were major when the friendship developed between them and both of them enjoyed each other's company for several months and indulged in sexual act being fully aware of the consequences of the relationship, as such, the same cannot



be said to be induced or involuntary. Petitioner claims clean antecedent.

6 Learned counsel for the State opposes the bail petition of the petitioner.

7. Considering the aforesaid facts, clean antecedent of petitioner and other circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged 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 First Class, Gaya in connection with Vishnupad P.S. case No. 42 of 2021 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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