

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18389 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- MUFFASIL District- Aurangabad

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AVINASH KUMAR S/O- KRISHNA MAHTO @ KRISHNA PRASAD R/O-
VILLAGE- JHIKATIA, P.S.- N.T.P.C. KHAIRA, DIST.- AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP
For the Complainant-Informant	:	Mr.Binod Kumar Pandey, Advocate
	:	Mr.Bachan Jee Ojha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-06-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Aurangabad Muffasil P.S. case No. 412 of 2023 instituted for the offences under Sections 341, 323, 504, 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act and Section 167(A) of the I.T. Act.

3. Prosecution case, in short, is that this petitioner made physical relations with the victim (minor) on the false pretext of marriage. It is further alleged that this petitioner made the intimate video of the incident and made the said video viral.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted petitioner is the *devar* of the victim's sister and he was in touch with the victim. Learned counsel further submitted that petitioner has not committed any offence as alleged in the complaint, rather the allegations levelled in the complaint are false and concocted. Learned counsel further submitted that complainant first lodged the complaint bearing Complaint Case No. 8 of 2023 and then on the basis of said complaint, the FIR was registered under Sections 341, 323, 504, 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act and Section 167(A) of the I.T. Act. Learned counsel further submitted that petitioner is still ready to marry victim. Learned counsel further submitted that there is delay in lodging the complaint and the victim girl had several opportunities to protest or disclose the said incident to her family members but still she did not disclose the said incident, and this creates doubt over the prosecution story. Learned counsel further submitted that the aforesaid fact is also supported by the fact that, victim, in her statement made under Section 161 of the Cr.P.C. has categorically stated that she was in touch with this petitioner. Learned counsel further submitted that there is no recent sexual assault as per medical report. It has



been submitted on behalf of the petitioner that the petitioner is in custody since 23.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the complainant-informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State as well as learned counsel for the informant further submitted that victim in her statement recorded under Section 164 Cr.P.C. has corroborated the contents of the complaint as well as FIR.

6. Having considered the rival submissions of the parties, the nature and gravity of offence as well as the material placed on record, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail is, hereby, rejected. However, liberty is granted to the petitioner to renew his prayer for bail before the trial Court itself, after a period of six months from the date of receipt/production of this order and the trial Court shall consider the same without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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