

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35943 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA P.S. District- Patna

Aakash Kumar son of Jitendra Kumar Singh Resident Of Village- Mahavir
Asthan, Ishapur, Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari Wife Of Late Ravindra Singh Resident Of Village- Gorgoan,
P.S- Shahpur, Dist- Patna, Bihar 801505

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Megha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Ms. Megha, learned counsel for the petitioner
and Mr. Mritunjay Kumar Nirala, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Patna Mahila P.S. Case No. 08 of 2024, F.I.R.
dated 10.02.2024 registered for the offences punishable under
Sections 376, 406, 420, 413, 467, 468, 366 and 120B/34 of the
Indian Penal Code.

3. Allegation against the petitioner is that he has
committed rape on the pretext of marriage resultantly she
became pregnant. It is further alleged that the informant was
compelled to sign on a blank stamp paper and for five days, her
daughter was kidnapped by the accused persons including the



petitioner and on 08.11.2023 the informant was forcibly taken to Danapur Registry Office for registration of 12.5 decimal of land and after registry, the daughter of the informant was given to her with threats that if she would approach the police then the accused persons would kill the informant as well as her daughter.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. She further submits that in fact the petitioner was in love with the victim and with consent of both the parties they have made physical relationship with each other and apart from that the allegation with respect to registry of land of 12.5 decimal is false. She further submits that the informant has alleged that her daughter was kidnapped by the petitioner but no such occurrence had taken place and informant is a widow lady having eight years of old daughter and apart from that the informant has made pressure upon the family member of the petitioner to marry with the petitioner.

5. Learned APP for the State, on the other hand, on



the basis of material available on record as well as case diary, opposed the prayer for anticipatory bail of the petitioner and submits that it has come during investigation that the petitioner and informant has stayed at Oyo Hotel, Glad Guest House, AIIMS on 20.09.2023, 25.10.2023, 01.11.2023, 09.11.2023 which suggests that the relation between the informant and the petitioner was consensual.

6. Considering the aforesaid facts and circumstances of the case and the nature of allegation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Patna in connection with Patna Mahila P.S. Case No. 08 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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