

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62986 of 2024

Arising Out of PS. Case No.-246 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Ankit Kumar @ Pappu Kumar Son of Balendra Yadav @ Bagi Ji Resident of
village - Jagdishpur, P.S.- Fesar, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalni Kumari, Daughter of Bablu Singh Resident of Village - Baijnath
Bigha, P.S.- Aurangabd Town, District - Aurangabad (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Lilawati Kumari, Advocate Mr. Aman Vishal, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 09-12-2024 Heard Ms. Lilawati Kumari, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in custody in connection with
Aurangabad Town P.S. Case No. 246 of 2024 for the offence
under Section 363, 366, 376 of the Indian Penal Code lodged on
29.03.2024 by the informant.

3. As per the prosecution story, the informant alleged
that she was in relationship with the petitioner for 2-3 years and
on promising marriage, he established physical relation. On the
fateful day, when they were moving on a motorcycle, it broke
down then he allowed her to go an auto promising that he will
be coming soon. As he failed to come to her place, the F.I.R.



4. It is a case of the petitioner that a perusal of F.I.R. shows that both were in relationship and it was a consented physical relationship, there was no such proposal of marriage and only after the relationship turned sour, she lodged F.I.R. He do not have criminal antecedent, is a young boy of 20 years and is in custody since 23.07.2024 (para-14 of the petition). Further, the police has submitted chargesheet against the petitioner under sections 366 and 354 of the I.P.C.

5. Learned APP opposes the prayer for bail submitting that in the garb of marriage, he established physical relation.

6. Having gone through the facts of the case as also the submissions of the parties, the F.I.R. suggests relationship between the parties, allegation of ultimate refusal of marriage, para-20 of the case diary shows that the victim girl refused to go for the medical examination, the chargesheet has been submitted, the petitioner is a young boy and undertaken to diligently appear in the trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad Town



P.S. Case No. 246 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 the failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of bail bond.

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

(Rajiv Roy, J)

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