

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81138 of 2024

Arising Out of PS. Case No.-565 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

Amit Kumar S/o Rajkumar Resident of Village - Kalibari Road, Ward No 41,
PS- Mithanpura, District- Muzaffarpur Petitioner/s
Versus

1. The State of Bihar
 2. Payal Devi W/o Chandu Sah R/o vill - Rahamganj, ward no. 34, P.S. -
Lahriya Sarai, Distt.- Darbhanga
- Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Anish Kumar, Advocate
For the Opposite Party/s	:	Mr.Dashrath Mehta, APP
For the informant	:	Mr. Dhananjay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sadar P.S. Case No. 565 of 2024 for the offence punishable under Sections 126(2), 127(2), 64, 352, 351(2), 318(4), 3(5) of BNS lodged on 31.08.2024 by the informant, Payal Devi.

3. As per the prosecution story, the lady alleged that she got married a decade ago but later, while working as a Supervisor, on the pretext of payment, accused Prakash made physical relationship with her and later also on the pretext of marriage, he and Akash Kumar took her to Patna where on way, Turki Police arrested them.

4. It is the case that in between Prakash Kumar has also married this lady but later, her husband came and Panchayati took place whereafter, she was rescued.

5. Learned counsel for the petitioner submits that a



perusal of the FIR would show that it is basically against the Prakash Kumar of making physical relationship as also Akash Kumar of facilitating the same, so far as he is concerned, only he was present at the wrong place and alleged to have threatened the informant's side for which already suffered by being in custody since 01.09.2024 though has no criminal antecedent.

6. Learned counsel for the informant opposes the prayer submitting that he being an associate of Prakash Kumar had threatened the informant's side.

7. Considering the aforesaid submission put forward by the parties, allegation is against Prakash Kumar and Akash Kumar, Prakash Kumar on the pretext of marriage as also payment of salary, made physical relationship fully knowing that she is a married lady and thereafter, also solemnized the marriage, so far as this petitioner is concerned, he has only threatened the lady, is in custody since 01.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 C.J.M., Muzaffarpur, in connection with Sadar P.S. Case No. 565 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 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

