

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53705 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- MAHILA P.S. District- Samastipur

Awadhesh Kumar @ Avdhesh Kumar S/O Sanjay Sahni @ Dukha Sahni R/O
Village- Teera Jatmalpur, P.S- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Munni Kumari D/O Kishori Mahto Village- Teera Jatmalpur, Ward No. 12,
P.S- Kalyanpur, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 329(4), 329(2), 351(2), 64, 3(5) of the B.N.S.S. & Sections 04/06 of POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner for the last six years on pretext of marriage was establishing physical relation, further when villagers and her parents pressurized the petitioner to marry her when petitioner stopped meeting the informant. It is next alleged



that on 07.10.2024 petitioner along with two other accused came to her house and forcefully took her near a river and petitioner committed rape.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant herself accepts that they were in a relationship for last six years. It is also submitted that there was no promise of marriage. It is further submitted that the relationship was consensual and when the same soured the present false case came to be instituted. It is next submitted that the informant alleges that on 07.10.2024, the petitioner along with two accused came and forcefully took her near a river, where petitioner committed rape but then the F.I.R. came to be instituted on 10.10.2024 and not instantly and on the day when F.I.R. was instituted the informant was sent for medical examination and the medical examination does not corroborate rape. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No.66/2024, subject to the conditions as laid down under Section 482(2) B.N.S.S.

7. It is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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