

Abhimanyu Kumar @ Abhimanyu Kumar Singh vs The State Of Bihar on 22 June, 2022

Author: Rajesh Kumar Verma

Bench: Rajesh Kumar Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28793 of 2022

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. Distri

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Abhimanyu Kumar @ Abhimanyu Kumar Singh Son of Arjun Singh Resident
of Village - Banjari, P.S.- Rohtas (Akbarpur), District - Rohtas (Bihar)

Versus

1. The State of Bihar
2. Sonal Kumari Daughter of Late Arvind Kumar Tiwari Resident of Village -
Bikramganj, Gautam Nagar, P.S.- Bikramganj, District - Rohtas (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Advocate
For the Informant	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Lalan Kumar, State

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 22-06-2022

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant as well as learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 376, 496, 34 of the Indian Penal Code and Section 9, 10, 11 of Prohibition of Child Marriage Act, 2005 and Section 6 of POCSO Act.

As per prosecution case, in short, is that the accused Abhimanyu Kumar had kidnapped the informant by inducing her and threatening her in year 2018. The accused petitioner Patna High Court CR. MISC. No.28793 of 2022(2) dt.22-06-2022 committed rape with her on the pretext of marriage and he kept the victim at the house of different relatives. After four months she became pregnant and also delivered a child. On 26th April 2019 the accused brought the victim to village

Banjari and she came to know that the accused was already married and was having children. When the victim tried to run away, accused and his parents confined her and also took away her child and all started threatening the victim and demanding Rs. 3,00,000/- from the victim. Thereafter, on 03.08.2020 the victim ran away from the house and gave the information to the police along with her parents.

Learned counsel for the petitioner submits that the petitioner was granted bail vide order dated 24.02.2022 passed in Cr. Misc. No. 46622 of 2021 but in view of the condition the petitioner could not furnish bail bond before the learned Court below and again the petitioner had moved before this Court for modifying the order dated 24.02.2022 passed in Cr. Misc. No. 46622 of 2021 but the same was dismissed on 20.04.2022.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that there was love affairs between the petitioner and the victim. He further submits that the victim girl in her Patna High Court CR. MISC. No.28793 of 2022(2) dt.22-06-2022 deposition dated 12.03.2021 has categorically stated that the allegation of rape is false and the petitioner and victim are living as husband and wife after performing her marriage and they were blessed a child and the petitioner is in custody since 04.09.2020.

Learned counsel for the informant and learned APP for the State have supported the contention of learned counsel for the petitioner but fairly submits that the petitioner and the informant are living together. Learned APP for the State further submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with POCSO Case No. 05 of 2021 corresponding to Mahila P.S. Case No. 39 of 2020, with the 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 Patna High Court CR. MISC. No.28793 of 2022(2) dt.22-06-2022 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 antecedents, 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.

(4) One of the bailors must be the informant of this case.

(Rajesh Kumar Verma, J) Ibrar//-

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