

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33175 of 2018

Arising Out of PS. Case No.-238 Year-2017 Thana- BENIPATTI District- Madhubani

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Ram Sundar Thakur @ Ram Sundra Thakur S/o Munsif Thakur resident of
Village - Parwa Belhi, P.S. - Jainagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 19-07-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Benipatti P.S. Case No. 238 of 2017 dated 23.10.2017 instituted for the offences under Sections 420 and 493 of the Indian Penal Code.

The petitioner is alleged to have sexually exploited the informant/prosecutrix by assuring her that he would marry her. For the aforesaid purpose, it has been alleged, the petitioner contracted marriage with the prosecutrix in a temple but refused to get the marriage registered.

Learned counsel for the petitioner while praying for anticipatory bail has drawn the attention of this Court to the strand of investigation which discloses that the



present prosecution of the petitioner is at the instance of one Suresh Singh who hitherto had been a supporter and friend of the petitioner but the relationship between them became strained after the petitioner won the elections. It has also come during the course of investigation that aforesaid Suresh Singh has performed an inter-caste marriage and has a relationship of sister-in-law with the prosecutrix of this case. Aforesaid Suresh Singh was reported to be using the motorcycle of the petitioner and when that was taken back from him, he harboured a grudge against the petitioner. When the petitioner, as a Mukhiya, tried to forestall the illegal activities of aforesaid Suresh Singh, he hatched a conspiracy for falsely implicating the petitioner thereby making him weak in stopping aforesaid Suresh Singh from his illegal activities.

None of the witnesses have supported the allegation; on the contrary all the witnesses have, in unison, stated that it is a blatant attempt on the part of Suresh Singh and his cohorts to falsely implicate the petitioner who is an elected Mukhiya and a person of clean antecedent.

A photo copy of Section 164 Cr.P.C. statement of the victim girl was produced for inspection of this Court by the learned counsel appearing for the



informant. The manner in which the Section 164 statement has been given, further buttresses the submission of the petitioner that he has been falsely implicated. The victim has narrated in the aforesaid statement that she came in contact with the petitioner through few missed calls made by him. Later she was lured into sharing the bed with the petitioner on the assurance of marriage. While narrating such incidents, the prosecutrix has averred that she videotaped their activities and also recorded the conversation. This is not the natural conduct of a person who gets into a relationship with another person. There appears to be a larger conspiracy to frame an innocent person.

The offence of rape or exploiting a woman is a serious offence but more serious than this would be an offence of implicating an innocent person for such an offence. The matter requires to be investigated and the conduct of the prosecutrix and Suresh Singh is also required to be examined/investigated in greater detail.

Considering the aforesaid materials collected during the course of investigation, this Court is inclined to grant anticipatory bail to the petitioner.

The petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks



from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 238 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The Investigating Officer shall investigate the matter especially with respect to the conduct of the prosecutrix and aforesaid Suresh Singh and shall bring the investigation to a logical conclusion.

(Ashutosh Kumar, J)

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