

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27805 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- TELHARA District- Nalanda

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Dipu Kumar, aged about 18 years, Gender – Male, S/o Tunu Ravidas @ Tunu Mochi, Resident of Village-Mansinghpur, Police Station-Telhara, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shyamal Prakash, Advocate
For the State	:	Mr.Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Telhara P.S. Case No. 50 of 2020 registered for the offences punishable under Sections 376, 354 (C), 452, 34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant Shanti Kumari being the resident of village Astupur, two months earlier had gone to her maternal sister namely lPhulwa Devi's house and remained staying there. The informant further stated that whenever she met Dharmveer Kumar, son of Sonu Kumar, he used to put a proposal of marriage with her. On 22.04.2020, the informant's sister Phoola Devi fell ill, so she had gone to a doctor of Telhara for her treatment. At that night at about 12 O'clock while the informant was sleeping alone in the said house of her sister Phoola Devi, Dharmveer Kuamr awoke her and stated that he would marry her. Thereafter, upon false



assurance of marriage Dharmveer Kumar started to have established sexual intercourse with the informant. In the meantime, his two friends namely, 1. Dipu Kumar (petitioner) and 2. Dharmveer Kumar, son of Rajendra Ravidas were taking photos on the said intercourse through mobile but at once the informant saw them and started to make alarm upon which those three fled away from there. In the next morning, one arrival of the sister of the informant, she was informed regarding the occurrence. Thereafter, her said sister went to meet the mother of Dharmveer Kumar and told her regarding the occurrence, but she refused together son married with the informant and as such the Panchayati also proved failure.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that during course of investigation, the informant/ prosecution got her statement recorded under Section 164 of Cr.P.C. It has come to the impugned order as well in paragraph-13 of the case diary that obscene photos were found in the mobile of the petitioner but this much not enough to describe as to whether those obscene photos relate to the informant and also snapped in connection with the occurrence or not. He further submits that no offence



under Section 376 of I.P.C. or under Section 452 of I.P.C. is made out against the petitioner. However, the allegation as levelled against the petitioner under Section 354 of I.P.C. regarding voyeurism is concerned, the same is bailable one. He further submits that during course of investigation on 28.04.2020, the prosecutrix was examined by Medical Board consisting of three doctors and they opined that no evidence of recent sexual intercourse was found. Learned counsel for the petitioner further submits that the petitioner is in jail custody since 26.04.2020 and the petitioner has got no any criminal antecedent.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa (Nalanda) in connection with Telhara P.S. Case No. 50 of 2020.

(Anjani Kumar Sharan, J)

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