

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63570 of 2019

Arising Out of PS. Case No.-201 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

1. Sumeet Kumar Singh @ Sumeet Singh @ Putun Singh, Son of Suresh Singh @ Suresh Kumar Singh Resident of Village - Naini, P.S.- Chapra Mufassil, District- Saran At Chapra
 2. Vishal Singh @ Nanhe Singh, Son of Suresh Singh @ Suresh Kumar Singh Resident of Village - Naini, P.S.- Chapra Mufassil, District- Saran at Chapra
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-03-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Saran (Chapra) Muffassil P.S. Case No. 201 of 2019 registered under Sections 323, 379, 384, 376, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report the informant's marriage was fixed with one Vikash Singh, both of them had their maternal uncle's place in the same village and the informant herself accepts in the F.I.R. that they had been establishing physical relationship but then it is alleged that after some time both of them thought that such relationship should not be made prior to marriage. It is alleged that about two months back the accused no. 1-petitioner



no. 1 called the informant and told her about a video showing her making relationship with Vikash Singh.

Allegation is that when the informant asked accused no. 1 to delete the said video, he put a condition whereunder she was asked to establish a physical relationship with him failing which the video would be made viral. It is alleged that on the promise to delete the video he established physical relationship with her at least twenty times and took the ornaments of the informant worth Rs. 1,50,000/-. It is alleged at this stage that taking benefit of the weakness of the informant, the accused no. 2 also established physical relationship with her.

Learned counsel for the petitioners submits that the whole allegations are false and flimsy as those have been made against these petitioners who are full brothers only because of the land dispute which they are having with the maternal aunt of the informant.

It is submitted that no video recording has ever been done by the petitioners and in fact the informant has herself accepted that she was in relationship with Vikash Singh who has now come up as a witness against these petitioners. In this regard he has read out the observations recorded in paragraph '21' of the case diary of the Investigating Officer indicating



towards prior enmity between the family on account of land dispute.

It is also submitted that in fact the relationship of the informant with the said Vikash Singh had been known to the entire village and these petitioners had been opposing the move of Vikash Singh and that was also one of the reasons for this false implication.

Learned counsel for the State has though opposed the prayer for anticipatory bail of the petitioners but from the case diary he is unable to demonstrate any statement of an independent witness to support the prosecution story.

Considering the facts and circumstances of the case, wherein the informant is herself admitting her physical relationship with one Vikash Singh and there is no independent material to support the allegations that these petitioners had made any video and/or had established physical relationship with the informant and further in paragraph '21' of the case diary the I.O. has recorded the fact that there had been prior enmity between the family on account of land dispute and that these petitioners had been objecting to the kind of relationship of Vikash Singh with the informant, in the nature of the materials present there being no independent material save and



except uncorroborated statement of the victim girl/informant, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Saran (Chapra) Muffassil P.S. Cases No. 201 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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