

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24351 of 2021**

Arising Out of PS. Case No.-251 Year-2020 Thana- BIHRA District- Saharsa

PRITAM KUMAR @ PAMPAM SON OF RAMSUNDAR SAH R/O
VILLAGE- DAURMA TELIYARI SAHU TOLA, P.S.- BIHRA, DISTRICT-
SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.
Mrs.Devika Rani, Adv.
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 18-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Spl.
POCSO.55 of 2020, arising out of Bihra P.S. Case No.251/2020
registered for the offence punishable under Sections 147, 148,
149, 447, 448, 323, 354(B), 341, 379, 511, 504, 506 of the
Indian Penal Code and section 8 of the POCSO Act.

The prosecution case in short is that on the alleged date of



occurrence, petitioner having pistol entered into the house of the informant and on the point of pistol, he tried to commit sexual offence with her daughter aged about 14 years but due to alarm raised, people gathered there and caught the petitioner and informed the police. It is alleged that in the meantime, other co-accused persons variously armed came there and assaulted the informant's side and freed the petitioner. They also looted cloth worth Rs.20,000/- and fled away threatening them.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case to teach a lesson for love affair of the victim with the petitioner. It appears from the FIR that the informant is eye-witness to the occurrence but from the statement of victim under section 161 Cr.P.C., it is clear that on the alleged date of occurrence, the informant was not present in her house rather she was in Nepal for treatment of her elder brother. The said statement of the victim is quite different than the prosecution case as stated in the FIR. Victim had love affair with the petitioner. Letters written by the victim to the petitioner (Annexure-2) fully testify the same. Victim was not examined medically nor her statement under section 164



Cr.P.c. was recorded. The petitioner has no criminal antecedent and has been languishing in custody since 31.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is love affair between the victim and the petitioner coupled with the fact that the victim has not been examined medically nor her statement was recorded under section 164 Cr.P.C., the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (POCSO), Saharsa, in connection with Spl. POCSO.55 of 2020, arising out of Bihra P.S. Case No.251/2020.

(Anjani Kumar Sharan, J)

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