

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36536 of 2020

Arising out of PS. Case No.-383 Year-2019 Thana- CHIRAIYA District- East Champaran

Vivek Ranjan @ Vivek Kumar, Gender-Male, aged about 22 years, S/o Shri Ram Chandra Ram R/o Village- Shital Patti, P.O.- Dhaka, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shri Prakash Srivastava, Advocate
For the State	:	Mr. Anant Kumar No. 1, APP
For the Informant	:	Mr. Manish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Shri Prakash Srivastava, learned counsel for the petitioner; Mr. Anant Kumar No. 1, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Manish Kumar Singh, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Chiraiya PS Case No. 383 of 2019 dated 28.07.2019, instituted under Sections 363/366(A)/420/376/34 of the Indian Penal Code and 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the ‘POCSO Act’).

4. The allegation against the petitioner is that he along with his brother had abducted the informant and had physically



abused her and that when they saw a police party on 01.07.2019 the accused had fled away and when the informant went to the police station, there was no response and then she filed the complaint case on 05.07.2019, which has been sent to the police resulting in institution of the present FIR.

5. Learned counsel for the petitioner submitted that he and his brother are next door neighbours of the informant and, thus, the allegation itself appears to be false, more so, since it cannot be believed that two brothers would together commit such act. It was further submitted that it is also unbelievable that when a girl goes to the police to report physical abuse, it shall not be entertained. Further, learned counsel submitted that in the past also the informant has instituted Ludhiana PS Case No. 402 of 2018 in the State of Punjab, against one Satyendra Kumar, son of Jagannath Bharti, resident of village - Kiratpur Kuniya, PS Bashi, District - Balia in the state of Uttar Pradesh, under Section 376 of the Indian Penal Code and 3/4 of the POCSO Act. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner is also alleged to have committed rape.



7. Learned counsel for the informant submitted that later on the parties have compromised the matter and now the informant also does not want to pursue the matter.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in Chiraiya PS Case No. 383 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Vikash/-

AFR/NAFR	
U	
T	

