

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37156 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- MINAPUR District- Muzaffarpur

Dilip Kumar, aged about 23 years, son of Methu Thakur, resident of village -
Bishunpur Pandey, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-07-2021

The matter has been heard *via* video conferencing

2. Heard Mr. Shashi Bhushan Singh, learned counsel for the petitioner and Ms. Asha Devi, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Minapur PS Case No. 224 of 2019 dated 22.05.2019, instituted under Sections 363, 366-A, 504 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioner is that he had enticed the informant and had taken her to Kathmandu where they spent ten days and he had established physical relationship by giving assurance that he would marry but when they returned, the petitioner and his father refused to marry and



threatened her not to disclose such fact.

5. Learned counsel for the petitioner submitted that the allegations are totally false and fabricated and it is a case of one-sided love by the informant. Learned counsel submitted that it is totally unbelievable that a girl would go missing for ten days and her family members would not be aware or would not take any steps to locate her, which is apparent from the allegation made in the FIR itself, inasmuch as, the allegation is that on 08.05.2019, she was enticed and taken to Nepal, but the FIR has been lodged on 22.05.2019 and during the period no relative of the informant had informed any authority or made any complaint that she had gone missing which itself raises serious doubt about the veracity and truthfulness of the allegation. Learned counsel submitted that the medical report also reveals that hymen was old ruptured and no mark of any violence on her body was found. Learned counsel submitted that as per his instructions, the informant has also married another person. It was submitted that the petitioner has no other criminal antecedent.

6. Learned APP submitted that the allegation against the petitioner is that he had taken the informant to Nepal and had established physical relationship for ten days on the false



pretext of marriage. However, she could not controvert that there is no explanation of why no complain was made to any authority during the period when she had gone missing.

7. 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 learned Special Judge, POCSO, Muzaffarpur, in Minapur PS Case No. 224 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 non-cooperation would 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)

Anjani/-

AFR/NAFR	
U	
T	

