

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40656 of 2020

Arising Out of PS. Case No.-216 Year-2020 Thana- RAMNAGAR District- West Champaran

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SANJAY KUMAR SONI Son of Shankar Soni Resident of Village -
Thakurbari Tola, Ward No.4, P.S.- Ramnagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manan Kumar Mishra, Sr. Advocate
For the Opposite Party/s	:	Ms. Asha Devi, APP
For the O.P. No. 2	:	Mr. Anjani Parashar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-07-2021 Heard Mr. Manan Kumar Mishra, learned Senior Advocate for the petitioner and Mr. Anjani Parashar, the learned Advocate for the complainant. The State is represented by Ms. Asha Devi.

The petitioner seeks bail in anticipation of his arrest in connection with Ramnagar P.S. Case No. 216 of 2020 dated 05.07.2020 instituted for the offences under Sections 376, 341, 323, 504, 354 and 506 of the Indian Penal Code.

The accusation against the petitioner is of having arrived at the house of the prosecutrix along with five persons and having abused her. She was also attempted to be disrobed. In the FIR, she has also alleged that prior to the present case, the petitioner,



on the assurance of marrying her, had subjected her to sexual intercourse. He is also in possession of certain objectionable photographs which he had been using to blackmail her. On the aforesaid statement of the prosecutrix, the subject FIR was registered for investigation.

Mr. Mishra, learned Senior Advocate for the petitioner has submitted that the case is absolutely false for the following reasons: If at all the prosecutrix was subjected to sexual misdemeanor on the promise of marriage and the marriage did not take place, she ought to have reported the matter straightway. Waiting for the present occurrence in which the accused/petitioner is alleged to have come to her house and abused her, makes the case highly doubtful. He further submits that had there been actually any relationship between the prosecutrix and the petitioner, that by itself would be no offence but making out a case later in point of time, that she allowed herself to be sexually exploited by the petitioner on the assurance that he would marry, make the case highly doubtful. However, approaching the police at such a later point of time, without indicating as to when was she subjected to such sexual intercourse and when did the relationship begin between the parties, creates



doubt in the prosecution version.

Apart from this, it has been pointed out that much prior to the lodging of the present case, a complaint case was lodged by the petitioner against the brother and father of the prosecutrix.

Though the contents of the complainant do not collocate with the defence taken by the petitioner against the accusation in the FIR but it surely reflects that there was some kind of dispute between the petitioner and the family members of the prosecutrix. The petitioner has also filed a criminal case *vide* Ramnagar P.S. Case No. 215 of 2020 in which there is an allegation that the father and brother of the prosecutrix assaulted the petitioner brutally for which he had to be hospitalized for his treatment.

As noted above, these two cases which are prior in point of time to the subject FIR, at least reflects that the relationship between the petitioner and the family of the prosecutrix was not cordial and that there is some dispute somewhere between them.

To further confound the situation, the prosecutrix has chosen to file an affidavit that she does not wish to prosecute the petitioner any further now.

Two inferences can very logically be drawn from such an affidavit by the prosecutrix. Either the



prosecutrix had earlier made a false statement and now she reneges on her accusation or that the petitioner has used his influence to silence the prosecutrix. In either case, the conduct of both the petitioner and the prosecutrix has become questionable.

After hearing the observation of the Court, Mr. Mishra, learned Senior Advocate for the petitioner does not press the ground of settlement of dispute with the prosecutrix for grant of anticipatory bail. He only submits that the accusation in the FIR makes the case highly doubtful. Whether the prosecutrix is making a true statement or not could only be tested and verified in a trial.

After having perused the records and having heard the counsel for the parties, what appears is that there is definitely some dispute between the petitioner and the prosecutrix and her family members. Two cases lodged by the petitioner against the father and brother of the prosecutrix further confirms the fact that there was some kind of relationship between the parties.

It has further been submitted on behalf of the petitioner that he is an employee of a Bank and there could be a purpose behind his implication viz. to coerce



the petitioner into a matrimonial liaison with the prosecutrix.

Be that as it may, taking into account the fact that the petitioner had earlier filed cases against the father and brother of the prosecutrix and that the prosecutrix now, for reasons best known to her, is not willing to prosecute the petitioner any further, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 216 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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