

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6674 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- JAGDISHPUR District- Bhojpur

1. LILAWATI DEVI W/O RAMPRAVES SINGH R/O VILL SUNDAR TOLA, P.S-PIRO, DISTRICT-BHOJPUR.
2. RAJ MOHAN SINGH S/O RAMPRAVES SINGH R/O VILL SUNDAR TOLA, P.S-PIRO, DISTRICT-BHOJPUR.
3. RAMPRAVES SINGH S/O LATE BIJADHAR SINGH R/O VILL SUNDAR TOLA, P.S-PIRO, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar II, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-07-2021 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with POCSO Case no. 62 of 2020 (arising out of Jagdishpur P.S. Case no. 208 of 2020) registered under section 376 and other sections of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the FIR, it is stated by the minor informant that the sons of Lilawati Devi including the petitioner no.2 herein had an eye on her. It is stated that Lilawati Devi who happen to be her cousin ('fuferi') Mousi took her along with her on some pretext. Thereafter she was tortured and assaulted and on giving information about the occurrence to her mother, her mobile was taken away. She was shut in a room. A sanha was lodged at the police station by her mother. It is stated that Badal son of Lilawati Devi used to forcibly establish physical relations



with her and on her protest got photographs taken depicting as if they were married. She was threatened that in case she disclosed about the occurrence to any person, she would be killed.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. The informant wanted to marry Badal son of the petitioner nos.1 and 3. However as the same was not possible because of their close relationship, the FIR was lodged with false allegations. It is submitted that her statement under section 164 Cr.PC is in contradiction to her statement made in the FIR. The informant is a major. It is submitted that now the informant and Badal have married and are living as husband and wife. The petitioners are the mother, brother and father of the aforesaid Badal. The petitioners are in custody since 30.9.2020.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the statement under section 164 Cr.PC of the minor informant which has been recorded in paragraph no.86 of the case diary it transpires that she has made specific allegations of brutal sexual assault against the petitioners besides others. In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned court below is directed to expedite the trial.

(Partha Sarthy, J)

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