

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9151 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- BAUNSI District- Banka

MUKESH THAKUR SON OF NARAYAN THAKUR, R/O VILLAGE-
VIKRAMPUR, P.S.- PANJWARA, DIST.- BANKA. Petitioner/s
Versus

THE STATE OF BIHAR. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

5 06-08-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned
APP for the State.

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings regarding
supply of requisite court fee etc. within two weeks from the date
he is called upon to do so by the office.

Petitioner seeks bail in Bounsi P.S. Case No. 44/2020
registered for offence punishable under sections 365, 366 and 376
of the Indian Penal Code.

It is alleged by the informant that with the help of
thirteen named accused persons, the petitioner has forcibly
solemnized marriage with the informant/complainant and is
blackmailing her on the pretext of making viral of some obscene



videos. She has alleged that she has repeatedly been raped by the petitioner.

Learned counsel for the petitioner draws attention of the Court towards earlier deposition of the informant/complainant recorded on 11.09.2019 (Annexure-2). The said deposition was recorded in Bounsi P.S. Case No. 205 of 2019, lodged by the instant complainant's mother much prior to the instant case, wherein instant informant has stated about having intimate relation with the petitioner and that she has solemnized marriage on her own sweet will. The submission is that later when she has come home, she has been coerced by her family members to lodge the instant complaint case and give a deposition under section 164 Cr.PC. which is at stark variance with the statement recorded in the earlier Bounsi P.S. Case No.205 of 2019. It is indicative of falsity of the allegation. It is also submitted that she has alleged that the petitioner has posted some obscene pictures on Face Book, but no such picture or video has been produced in the investigation.

Learned APP has opposed the prayer referring to the statement of the victim. He has submitted that she has been coerced into making the earlier deposition under section 164 Cr. PC (Annexure-2). The submission is that in view of the nature of allegations against the petitioner, prayer for bail may not be



allowed.

In view of the rival submissions and the fact that in the investigation, certain independent witnesses have stated about the complainant being coerced in lodging the instant case after she has returned home and the fact that the petitioner has now remained in custody since 03.10.2020, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/Successor Court in Bounsi P.S. Case No.44/2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Mahesh/-

U		T	
---	--	---	--

