

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5789 of 2022

Arising Out of PS. Case No.-284 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

LAL BABU KUMAR SON OF RAM CHANDRA SAH R/O VILLAGE-
BASAULI NANHAKAR, P.S.- BOCHAHA, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehend their arrest in a case registered for the offences punishable under Section 376(D) of the Indian Penal Code and Sections 4, 6 and 8 of POCSO Act.

The informant alleges that on 29.10.2018 at around 9:00 PM, his daughter had gone to pond to attend the call of nature when Ramvinay Kumar and his two associates came and pressed her mouth and took her away and committed rape upon her one by one and threatened her not to disclose the occurrence to anyone otherwise they would kill her, it is further alleged that the victim also disclosed that about 10-12 days before Raju Kumar and the petitioner had committed rape upon her on the point of knife.

Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that it was Ramvinay and his two associates who committed rape upon the victim and thereafter the victim disclosed that 10-12 days back she was also raped by one Raju Kumar and Lal Babu Rai (petitioner) which amply demonstrates that the petitioner came to be implicated by way of afterthought, it is next submitted that it absolutely does not stand to reason that if what has been alleged by the informant in the FIR is true then why no FIR came to be instituted when the occurrence had taken place. Learned counsel next submits that petitioner and the informant are agnates and between them there is dispute relating to property and subsequently the informant realizing his mistake has also filed a compromise petition before the learned Trial Court as would be evident from Annexure-2 to the anticipatory bail application.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the case is of the year 2018 and the petitioner has moved this Court for seeking anticipatory bail in the year 2022 so it might be a possibility that process under Section 82 Cr.P.C. might have



been issued.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bochahan P.S. Case No. 284 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned Trial Court before accepting the bail bonds of the petitioner shall verify whether any process under Section 82 Cr.P.C. has been issued or not, in the event, if any process under Section 82 Cr.P.C. has been issued, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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