

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23371 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- BATHNAHA District- Sitamarhi

1. Rajiv Kumar S/O Amin Ram Resident Of Village - Bairaha, P.S. - Bathana, District - Sitamarhi.
2. Sanjeet Kumar S/O Amin Ram Resident Of Village - Bairaha, P.S. - Bathana, District - Sitamarhi.
3. Pavitri Devi W/O Amin Ram Resident Of Village - Bairaha, P.S. - Bathana, District - Sitamarhi.
4. Amin Ram S/O Late Siman Ram Resident Of Village - Bairaha, P.S. - Bathana, District - Sitamarhi.
5. Jagdeo Ram S/O Late Mahabir Ram Resident Of Village - Narsama, P.S. - Parsauni, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 323, 376 and 366A of the Indian Penal Code and Section 3/4 of the POCSO Act.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the present F.I.R. arises out of a complaint.

It is next submitted that the informant alleges that her daughter was a Class-X student and petitioner no.1 ran a



coaching institute and on pretext of giving free coaching became friendly and entered into physical relation and also took many photographs.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the present F.I.R. arises out of a complaint. It is further submitted that the date of occurrence is in between 23.04.2021 to 25.04.2021, but no F.I.R. came to be instituted promptly rather a complaint case was filed on 27.07.2021 i.e. three months after the date of occurrence. It is next submitted that it absolutely does not stand to reason that if the complainant could have filed a complaint case why no F.I.R. was instituted. It is next submitted that the entire family members of the petitioner no.1 have been implicated in the present case i.e. his brother, mother, father and his relation (petitioner no.5). The learned counsel further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has supported the prosecution case and has stated that her family members were ready for marriage, but the family of the petitioner was not ready for marriage of the victim with the petitioner. The learned counsel thus submits that from perusal of the statement recorded under Section 164 of the Cr.P.C., it



would manifest that victim has supported the prosecution case though the petitioner denies the allegation of establishing the physical relation with the victim. It is also submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then it is not a case of false promise to marry rather it is a case of breach of promise as victim in her statement under Section 164 of the Cr.P.C. has very clearly stated that the family members of the petitioners were not ready to get the victim married with the petitioner. It is further submitted that this perhaps explains as to why the entire family members of the petitioner no.1 have been implicated in the present case.

Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bathnaha P. S. Case No.280 of 2021, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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