

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41700 of 2021

In
CRIMINAL APPEAL (SJ) No.316 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA P.S District- West Champaran

Sonu Kumar Prajapati, S/o Narsingh Pandit @ Narsingh Prajapati, Resident
of Semra, P.O.- Semra Medal,, P.S.- Semra, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ-Informant, D/o Ramji Pasi, R/o Pipra Kudi Bhediharitola, Post+P.S.-
Balmiki Nagar, District-West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party No.1:		Mr.Sadanand Paswan, Spl.P.P.
For the Opposite Party No.2:		Mr. Jitendra Kumar Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

14 13-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant-opposite party no.2 and Mr. Sadanand
Paswan, learned Spl.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bagaha Mahila P.S. Case No.10 of 2020
registered for the offences punishable under Sections 376,
120(B) and 506/34 of the Indian Penal Code, Section 3(2)(v) of
the SC/ST Act and Sections 4 and 6 of the POCSO Act.

Earlier while hearing the prayer for regular bail, upon



noticing that the petitioner and the victim girl were allegedly having a love affair as they were working together in the establishment and in respect of the alleged occurrence of 07.03.2020 the FIR was lodged on 18.03.2020, this Court granted provisional bail to the petitioner.

The case diary has been received.

Learned counsel for the petitioner submits that in paragraph '62' of the case diary the medical report of the victim girl is available and that shows that according to the doctor her age was up to 18 years. Learned counsel submits that the victim girl was admittedly working in an organization and this petitioner was also running a customer service point and in connection with that both the petitioner and the victim girl were interacting with each other and had developed an affair. In paragraph '69', '145' and '146' the independent witnesses namely Jamuni Miyan, Raj Kumar Prasad and Rajesh Chauhan respectively have come forward to say that there was a love affair between the two. One of the witnesses has also stated that the family of the victim girl was demanding some money for not lodging the case but when the petitioner refused to pay the same, the FIR has been lodged.

It is lastly submitted that it is a case of regular bail



and the petitioner having spent about four months in custody and the investigation against him is complete at this stage, when he is ready to face the trial, his provisional bail deserves to be confirmed.

On the other hand, learned counsel for the informant has opposed the prayer for confirmation of bail of the petitioner saying that the victim girl is opposing this application as she has now taken a stand after the provisional bail order was passed that under some pressure from local mukhiya she had stated that she does not want to proceed with the matter.

Learned Spl.P.P. for the State has also opposed the prayer for regular bail of the petitioner, however, learned Spl.P.P. has himself pointed out the statement of Jamuni Miyan made in paragraph '69' of the case diary wherein he has stated that when the petitioner failed to pay the amount which was demanded by the informant and her family the present case has been lodged.

Considering the entire facts and circumstances and on finding that while the medical report of the victim girl records her age up to 18 years and from the FIR itself it appears that she was working as an employee in the organization in question and was well acquainted with the petitioner and admittedly she had



gone with him in connection with some work of the organization during which the alleged occurrence took place on 7.3.2020 but no information in this regard was given to any of the person and even to her seniors and the FIR has been lodged after about 11 days that too when the petitioner failed to fulfill the demand of money and further taking note of the views expressed by the Hon'ble Supreme Court in the Case of **Rajak Mohammad Vs. State of Himachal Pradesh** reported in **(2018) 9 SCC 248**, this Court is inclined to confirm the provisional bail granted to the petitioner. The provisional bail is, thus, confirmed. Let the petitioner remain on the same bail bond subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that during the pendency of the trial he will not try to contact the informant and her family



members or the witnesses and in case any such complaint is made against the petitioner the same will be considered by the learned court below in accordance with law.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

