

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30268 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- ITARHI District- Buxar

Ranjeet Kumar @ Ranjeet Kumar Singh, S/o Lal Babu Singh R/o Vill.-
Indaur, P.S. - Itarhi, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38272 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- ITARHI District- Buxar

Bimlesh Kumar @ Chintu Kumar Son Of Mahendra Singh R/O Village-
Turki, P.S.- Chenari, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30268 of 2022)

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 38272 of 2022)

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Itarhi P.S. Case No. 139 of 2021 registered for



the alleged offences under Sections 354(B0, 504 and 506 of the Indian Penal Code and Section 12 of the POCSO Act.

As per prosecution case, the petitioners tried to take away the minor daughter of the informant to a wheat field with ill intention. The informant reached there on getting information from villagers and brought back his daughter. When the informant went to scold them, Ranjeet Kumar @ Ranjeet Kumar Singh abused him and drove him out and also threatened him that his daughter would be kidnapped.

The learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. The alleged occurrence took place on 03.03.2021 whereas the FIR has been lodged on 13.04.2021 i.e. after delay of one month and ten days and there is no explanation for this delay. Learned counsel further submits that the petitioners were never involved in such types of occurrence rather it is a case of love affair between the petitioner Bimlesh Kumar @ Chintu Kumar and the daughter of the informant. A number of documents have been brought on record by filing a supplementary affidavit on behalf of the petitioner Ranjeet Kumar @ Ranjeet Kumar Singh and these documents are handwritten letters and submissions of the daughter of the informant



wherein she has specifically mentioned that she is in love with petitioner Bimlesh Kumar @ Chintu Kumar and the petitioner Ranjeet kumar @ Ranjeet Kumar Singh has no role in anything for which the allegation levelled against him. A number of chat details have also been brought on record along with some photographs of petitioner Bimlesh Kumar @ Chintu Kumar and the daughter of the informant and these facts clearly shows the continuing love affair between the daughter of the informant and the petitioner Bimlesh Kumar @ Chintu Kumar. Learned counsel further submits that even marriage of the informant was fixed with the petitioner Bimlesh Kumar @ Chintu Kumar but in the mean time due to demand of Rs. 5,00,000/- (five lacs) by the informant from father-in-law of the petitioner Ranjeet Kumar @ Ranjeet Kumar Singh, the negotiations could not proceed further and the marriage could not take place. Even on the facts of the FIR, it is clear that there is no serious allegation against the petitioners. The statement of the victim girl was recorded under Section 164 Cr.P.C. and it appears to be clearly under the influence of the informant. Even in her statement she has only alleged that the petitioner Ranjeet Kumar @ Ranjeet Kumar Singh tried to outrage her modesty and there is no allegation against the petitioner Bimlesh Kumar @ Chintu



Kumar. The petitioners are in custody since 09.05.2022 and 16.04.2021, respectively. Charge-sheet has been submitted and the petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the strong possibility of false implication in the background of facts brought on record on behalf of the petitioners and further considering their period of custody and the submission of charge-sheet along with their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Buxar in connection with Itarhi P.S. Case No. 139 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive



dates or in violation of the terms of the bail, the
bail bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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