

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47188 of 2021**

Arising Out of PS. Case No.-765 Year-2019 Thana- JAKKANPUR District- Patna

BIR KRIPAL SINGH @ BIR KUNAL SINGH @ BEER KUNAL SINGH @
VEER KUNAL SINGH S/o Ramji Singh Resident of Village- Barewa, P.O.
and P.S.- Haidar Nagar, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Mohan Singh
For the State	:	Mr.APP.
For the informant	:	Mr. Suresh Gandhi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned counsel for the informant Sri Suresh Gandhi and learned APP for the State.

The court feels disturbed in the manner the present case has been instituted and the manner in which it has been investigated by the police, it seems that investigation appears to be mindless, FIR can allege very serious allegation but then it is the duty of the police to ensure that investigation is carried in its correct prospective after taking into consideration the entire



circumstances which precedes the case.

Petitioner seeks bail in connection with Jakanpur P.S. Case no. 765 of 2019 registered for the offence punishable under sections 376, 315 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 2.7.2021, charge sheet has been submitted and is person with clean antecedent. Learned counsel submits that allegation as alleged in the FIR is that the informant alleges that she got in touch with the petitioner who worked with Jharkhand police through social media and they started meeting and fell in love and entered into physical relationship and the informant got pregnant in August, 2017 but was aborted, it is next alleged that against her wish, petitioner again entered into physical relation and she again became pregnant in December, 2017 and was again aborted for second time. Learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that this informant admits that through social media she got in touch with the petitioner. It is further submitted that the informant is a major and she was aware of in what she was indulging and once she became pregnant and got aborted she ought to have left company of the accused and should have instituted FIR against



him immediately, realising that petitioner was misusing his relationship, it is further submitted that entire allegation is false and fabricated. Informant was never pregnant and she was never aborted or else she would have disclosed the name of the doctor who aborted. Learned counsel draws the attention of the court to Annexure 2 of bail petition which is an FIR being Nalanda Mahila P.S. Case no. 12/2017 instituted under section 498A and other allied sections of the Indian Penal Code read with section 3/ 4 of the Dowry Prohibition Act against one Rajwant Kumar. Learned counsel submits that FIR speaks volume about character of the informant, she is a married lady and the said FIR was instituted against her husband, thereafter, learned counsel draws the attention of the court to Annexure 3 of bail application which is an application filed by the present informant before SHO, Gandhi Maidan police station stating therein that by mistake FIR was filed when the same ought not to have been filed and sought permission to withdraw the case and accordingly, the case was permitted to be withdrawn by the police with observation that in future if she repeats such act then stern action would be taken against her. Learned counsel for the petitioner submits that after withdrawing the case against this petitioner which the informant filed before Gandhi Maidan



police station, she again filed the present case in which petitioner is before this court. Learned counsel thereafter draws the attention of the court to Annexure 4 of the bail application which is complaint case filed by the informant herein as a complaint and the said complaint case is still pending adjudication and the allegation in the complaint is much or less similar to what has been alleged in the present FIR, learned counsel submits that once she had filed complaint case there was absolutely no occasion for the informant to institute the present FIR concealing the fact that she had already lodged the complaint case. Learned counsel based on the facts as stated hereinabove, thus submitted that this informant is lady of questionable character and she indulged in such immoral act through social media by getting in touch with innocent people and then taking advantage of her femininity tried to black mail persons like petitioner, who fell in the trap. Learned counsel submits that the police in mechanical manner investigated the case and submitted the charge sheet, if police had done its duty properly all these facts would have come before the court, perhaps police might have taken a different view but the manner in which the case has been investigated shows the police in poor light or they are engaged in apprehending accused under the



Excise Act. It is further submitted that this informant is a black mailer who black mails and tries to extort money taking advantage of her femininity.

Learned counsel for the informant opposes the bail application but is not in a position to meet the submissions of learned counsel for the petitioner with regard to Annexures 2,3 and 4 to the bail application.

Learned counsel for the petitioner at this stage submits that the petitioner is a police personnel and was deployed with Jharkhand police and the manner in which Bihar police has investigated the case, his entire career will be jeopardized.

Be that as it may, considering the facts that petitioner is in jail custody, is person with clean antecedent, charge sheet has been submitted and annexures 2, 3 and 4 to the bail petition speak volume about character of the informant, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 2,000/- (two thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Patna in Jakanpur P.S. Case no. 765 of 2019.

(Satyavrat Verma, J)

s.hassan/-

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