

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50001 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- PARIHAR District- Sitamarhi

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Amarjeet Kumar S/o Ram Pramod Mahto R/o Village-Goha, P.S.-Hasanpur,
District-Samastipur. Present Address-Technical Assistant Parihar Block
Office, P.S-Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Informant : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Zainul Abedin, learned A.P.P.
for the State through virtual court proceedings.

The petitioner seeks bail in connection with Parihar
P.S. Case No. 91 of 2021 instituted for the offences under
Sections 363 and 366 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 14.07.2021, is a person with clean
antecedent and later after investigation, the police submitted
charge-sheet under Sections 363, 376, 379 and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
informant alleges that his daughter (victim) is working as



Assistant Executive in Parihar Block where petitioner is posted as Junior Engineer, further that on 04.05.2021 the victim went for her duty but did not return till evening, accordingly a search was made and the informant came to know that the petitioner was sexually exploiting the victim for last one year on pretext of marriage and now is denying to marry her. It is further submitted that when the informant came back after searching the victim, he found an application in the bag of the victim addressed to the D.M. in connection with the aforesaid relationship, thus alleges that the petitioner raped the victim on pretext of marriage and when she asked him to marry her, the petitioner abducted the victim and thus the informant suspects that either the victim would be murdered or would be sold. Further, the informant has given explanation for delay in lodging the F.I.R. on the ground that he was busy in searching his daughter.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the last part of the F.I.R. wherein the informant has stated that delay of two days in lodging the F.I.R. was because he was busy in searching his daughter, is not the correct reason rather the informant and the victim in those two days were planning how



to falsely implicate the innocent petitioner and they were successful even in their plan. Learned counsel submits that the allegation is of abducting the daughter of the informant, if the victim was abducted, then either the police would have recovered her or she would have come back on her own volition but from perusal of the case diary it manifests that the police got secret information about the victim that she is staying with the informant at Dumra (paragraph '29' of the case diary). It is submitted that the informant was contacted by the police on his mobile number when he informed that the victim is at village Bhavdevpur in the rented house of the informant (paragraph '30' of the case diary), accordingly the police reached the place of occurrence where the victim was located (paragraph '31' of the case diary), thereafter the police reached at the house of Navin Kumar, the landlord of the informant where the informant was staying and found the victim in the rented house of Navin Kumar (paragraph '33' of the case diary). Learned counsel submits that from perusal of the aforesaid paragraphs of the case diary it would manifest that the victim was staying with the informant at the rented house and the police came to know about the same when the informant ought to have informed the police that the victim has returned.



Learned counsel for the petitioner submits that the investigation is completely silent as to how the victim was recovered which amply demonstrates that the victim and the informant in connivance, implicated the petitioner in the false case. Learned counsel further submits that even presuming what has been alleged is true, then the allegation is that the petitioner and the victim were in relationship and established physical relations, as such the relationship was between two consenting adults and when the relationship soured, the present false case came to be implicated alleging that the petitioner on pretext of marriage had established physical relationship. Learned counsel thus submits that to give a serious colour to the case, the informant very wisely in the F.I.R. alleged that the victim had complained to the D.M. about the conduct of the petitioner but from perusal of the impugned order and the case diary it manifest that the said letter was addressed to the D.M. informing him that the case was found true under various Sections of the I.P.C. including Section 376 of the I.P.C. and the petitioner is absconding on account of fear of arrest. Learned counsel further submits that from the submissions made herein above it is clear that the petitioner is innocent and has been falsely implicated by the informant in connivance with the



victim herself.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner as recorded herein above.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 14.07.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions of the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi in connection with Parihar P.S. Case No. 91 of 2021.

(Satyavrat Verma, J)

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