

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49060 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- RAJIVNAGAR District- Patna

Priyanka Kumari, aged about 39 years, female, W/o Anup Kumar Rai, D/o C. D. Singh, Resident of Mohalla- Jal Prakash Nagar, Road No.5, P.S.- Rajeev Sagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Gopal Govind Mishra, Adv.
For the Opposite Party : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Rajiv Nagar Police Station Case No. 133 of 2022 dated 28.03.2022. registered for the offence punishable under Sections 341, 342, 323, 417, 370, 376, 120B, 506 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

Learned counsel for the petitioner submits that the informant (victim) claims to be aged about 17 years. She has alleged that the instant petitioner told her that if she would agree to sit for a *puja*, then she may get One Crore Rupees. Upon such



allurement, the informant went to Mugalsarai, and from there, Co-accused took her to Varanasi. At Varanasi, she alleges that she was subjected to physical and sexual harassment for two days, between 01.03.2022 to 03.03.2022. Thereafter, she came back to inform the petitioner about the sufferings, then the petitioner has tried to stop her from lodging F.I.R. by assuring that she will be paid money. Thereafter, the victim has alleged that again the petitioner asked her to go back to Varanasi.

Learned counsel for the petitioner submits that allegation against the petitioner is only of asking the victim to sit on *puja*. It is not the allegation that the petitioner has accompanied the victim or was present, or party to any of the other offences alleged in the F.I.R. The sequence of events and allegations are at variance in the statement of the victim recorded under Section 164 of Code of Criminal Procedure, 1973. Otherwise also, narration of allegation in the F.I.R. appeared to be wholly unnatural and improbable and there is no reason or explanation as to why the F.I.R. has been lodged about a month after the petitioner had asked the victim to sit on *puja*.

The petitioner is stated to be a female having clean antecedents and it is stated that on the basis of such allegations in the F.I.R., the petitioner is in custody since, 29.03.2022.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- VI-cum-Special Judge, POCSO Act, Patna, in connection with Rajiv Nagar Police Station Case No. 133 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

Raj kishore/-

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