

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62201 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA PS District- Buxar

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1. PRITAM KUMAR PANDEY @ CHATAL PANDEY Son of Krishna Pandey @ Ram Kishun Pandey Resident of Village - Basaon, P.S. - Sikraul, District - Buxar.
 2. Ratan Kumar Pandey @ Patal Pandey Son of Krishna Pandey @ Ram Kishun Pandey Resident of Village - Basaon, P.S. - Sikraul, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. JAHANVI KUMARI @ PRIYANKA KUMARI D/o Bhola Yadav Resident of Village - Basaon Narayanpur, P.S. - Sikraul, District - Buxar. Presently residing at Alpawas Grih, Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 365, 366, 367, 368, 370, 342, 376(D) and 34 of the Indian Penal Code read with Section 4 and 6 POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no. 1 is aged about 20 years, petitioner no. 2 is aged about 19 years and are twin brothers, and the informant who is a minor alleges that



since the age of 11, her sister is living in Buxar Budhanpurwa studied at Fort William School, meanwhile in 2019, her brother Raju Yadav took her to the village, where her studies started in the primary school, Narayanpur, in the seventh class, in the same class, accused/petitioners Chatal Pandey and Patal Pandey, two twin brothers used to study in the same school in her village, further alleges that she started talking to both of them and they have called her to the garden of the village and made physical relationship with her in turn and told that if she says something to someone, it will not be good. Even after this, both these brothers/petitioners continued to have physical relations with her, it is next alleged that one day, after driving her from home, they took her to Buxar, there all three of us were caught by the police and were sent to their respective homes after completing process in the police station, next alleges that the petitioners Chatal and Patal introduced her to a woman named Kajal, who lived in Narayan's house and said that she is the wife of his friend Rohit. In the meantime, she got in touch with Kajal's brother Rahul while going to Narayanpur Bank for bank work and both of them fell in love, it is further alleged that by pretending to marry her, Rahul also started having physical relations, further one day Kajal told that Rahul would take her to



Brahmapur, so she got ready to go for a walk, then both Kajal, Rahul brought her to Brahmapur by sitting in four wheeler on 29.04.2021 in the car. After going to Brahmapur, she, Rahul and Kajal started living in Kajal's rented house, thereafter one day suddenly victim's boyfriend Rahul went to Delhi, then Kajal told that now she has to have physical relationship with Mikku. Mikku also started having a constant relationship with her, further he used to beat her when she protested, further alleges that everyday many boys in the house with their girlfriends were called from Krishna Brahma, Raghunathpur, Brahmapur to make a physical relationship with the girl and money was collected through Kajal, next alleges that if the earning was 1000 rupees, then out of that 200 rupees were given to girls, she doesn't remember the date. One day informant, Kajal, Rohit and Mikku boarded train for going to Delhi but at Dildar Nagar all got down and leaving the informant at the station, Kajal, Rohit and Mikku fled and when she started crying, Surendra Yadav took her to his house and after a few days, after asking her name and address, boarded her on the train going to Buxar, where she got down at Buxar station and reached Krishnabraham by bus where a dancer named Anita was introduced by Kajal, further a former acquaintance Vijay started



telling her that if her lover left her then he will marry her, thereafter Vijay started having physical relations with her and Anita dancer started teaching her dance by taking her on stage. Anita's house is next to Krishnabrahm Police Station where the bicycle puncture shop was run by a man named Sadhu where girls were called by Anita for establishing physical relation after seeking payment from the boys, in which Anita and Sadhu had a good nexus and used to earn well. Dancers were also called from Chhattisgarh by the sadhu, further alleges that she started getting very upset with Vijay as he used to say that after talking to the family, he will marry her but kept having physical relations with her, next alleges that one day she ran away to go to Delhi in anger and reached Buxar station, where also some boys started behaving inappropriately, further alleges that she reached Civil Line Durga Talkies at 5 in the morning and saw an open door of a person where she sat down, when an aunt came from the house and fed her food and sent her to the Buxar (T) Police Station, Buxar along with her husband, from where informant was sent to Short Stay Home, Buxar on the same day, where she was questioned hence disclosed the incident that happened to her as well as also made available the following mobile numbers 9560917081, 8651732304, 9708661384,



6299545405, 8340466926. Further she claims that Chatal, Patal, Rahul, Mikku, Vijay, Sadhu, Kajal had exploited her physically by luring her.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and nothing has come during the course of investigation which can ever remotely connect the petitioners with the offences. It is next submitted that statement of the informant was recorded under Section 164 of the Cr.P.C. (Annexure-2) and from perusal of the same it would manifest that she has not even remotely suggested the name of the petitioner, it is thus submitted that when the informant has not even whispered about the petitioner in her statement under Section 164 Cr.P.C. then it appears that petitioners came to be falsely implicated at the instance of someone who got the present F.I.R. instituted by the informant.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees



Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Buxar Mahila P.S. Case No. 55 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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