

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40048 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- NARPATGANJ District- Araria

1. Anshu Kumar Bhagat @ Raja @ Anshu Bhagat S/O Rajkumar Bhagat @ Don Resident of Village- Madhura West Ward No.4, P.S.- Narpatganj, District- Araria.
2. Rinku Kumar S/o Rajeshwar Kurail Resident of Village- Madhura West ward No.4, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-01-2022 Heard learned counsel for the petitioners and Shri Surendra Prasad Singh, learned A.P.P. for the State through virtual Court proceedings.

The petitioners seek bail in connection with Narpatganj P.S. Case No. 322 of 2020 instituted for the offences under Sections 341, 323, 354B, 307 and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 19.07.2020, charge-sheet has been submitted in the case and petitioner no. 2 has clean antecedent and petitioner no. 1 has one antecedent as mentioned at paragraph '3' of the bail application.



Learned counsel for the petitioners submits that the informant in the F.I.R. alleges that she had gone to attend the call of nature on 18.07.2020, when Anshu Bhagat (petitioner no.1), Raj Kumar Bhagat, Ankti Kumar Bhagat and Rinku Kumar (petitioner no. 2) surrounded her, gagged her mouth and brought her near the pond, on raising alarm all the four accused dragged her and drowned her in the pond with an intention to kill. On hearing alarm, uncle of the informant came and he was assaulted by knife by petitioner no. 1 cutting his finger, thereafter father of the informant along with villagers came and saved the informant from drowning. It is further alleged that Raj Kumar Bhagat had torn her clothes and she became undressed, the reason for the occurrence was that Anshu Bhagat had earlier kidnapped the informant but she under threat of Anshu Bhagat had not supported the prosecution case before the court, hence the father of the informant had filed a petition before the court for her restatement, hence the petitioner no. 1 in connivance with named accused persons including the petitioner no. 2 tried to kill the informant by drowning.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that it gives an impression that the victim and Anshu



Bhagat were in love on account of which an F.I.R. earlier came to be instituted and the allegation in the said F.I.R. was not supported by the present informant, as such the father of the informant filed an application before the court for restatement, this amply demonstrates that the father of the informant is opposing the relationship between the informant and the petitioner no. 1 and though the present informant in the earlier case on her own volition had not supported the prosecution case as she was in love with the petitioner no. 1, as such the present false case has been instituted implicating innocent persons. Learned counsel submits that petitioner was a person with clean antecedent but father of this informant had earlier instituted Narpatganj P.S. Case No. 39 of 2020 in which the present informant was a victim and had not supported the prosecution case.

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

Considering the fact that the petitioners are in custody since 19.07.2020, charge-sheet has been submitted in the case and the petitioner no 2 is a person with clean antecedent and petitioner no. 1 was implicated in a case filed by father of the present informant, let the petitioners above named be released



on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Court, POCSO in connection with Narpatganj P.S. Case No. 322 of 2020.

(Satyavrat Verma, J)

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