

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67270 of 2021

Arising Out of PS. Case No.-662 Year-2019 Thana- KHAGARIA District- Khagaria

SAKET KUMAR Son of Sri Vivekanand Jha Resident of Village Kabela, P.O. Kabela, P.S. Parbatta and District - Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Griyaghey, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 500 and 34 of the Indian Penal Code read with Section 67 of the I.T. Act and Section 23 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that he had instituted Khagaria P.S. Case No. 309 of 2019 against the accused persons alleging that they had kidnapped his minor daughter and had raped her. On 05.06.2019, the daughter of the informant was brought to the police by the criminals where she made her statement under Section 161 Cr.P.C, it is further alleged that letter of the



informant's daughter was kept in the record of Chitragupta Nagar P.S. from 18.04.2019 and this letter was made viral on WhatsApp on 15.08.2019 by the present petitioner on account of which the same has brought disrepute to the informant and his family members.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that Khagaria P.S. Case No. 309 of 2019 was instituted on 12.05.2019 and the informant in the F.I.R. alleged that on 05.06.2019, his daughter was produced before the police by the criminals wherein she got her statement recorded under Section 161 Cr.P.C. and the said statement was made viral on the WhatsApp bringing disrepute to the family of the informant. Learned counsel further submits that the statement of the victim was recorded on 18.04.2019 as would be evident from Annexure-2 to the anticipatory bail application wherein she had clearly stated that it was the informant i.e., her father, her mother and one Ramanuj Chaudhary who were exploiting her physically as they used to bring males and forced the victim to establish physical relations with them. Learned counsel next submits that it was this letter which was made viral on the WhatsApp by the petitioner,



Learned counsel for the petitioner further submits that since no action was being taken by the S.P., Khagaria on the said letter of the victim as such it was made viral so that justice may be meted out to the innocent victim, it is further submitted that though the statement of victim was recorded on 18.04.2019 but the informant very cunningly and cleverly in the present F.I.R. has stated that her statement was recorded on 05.06.2019, the said false fact has been stated only to mislead the investigating agency as it appears that it was after filing of Khagaria P.S. No. 309 of 2019 that her statement was recorded when the victim herself before the Superintendent of Police had stated the aforesaid facts. Learned counsel next submits that despite the police being aware of the letter dated 18.04.2019 still no action has been taken against the informant and other accused persons as detailed by the victim in her application dated 18.04.2019, learned counsel next submits that petitioner is innocent and he has only made efforts to bring justice to the innocent victim.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his 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 Khagaria (Chitragupta) P.S. Case No. 662 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Let this order be sent to the office of the Superintendent of Police, Khagaria for his perusal and needful.

(Satyavrat Verma, J)

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