

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18585 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- MOKAMAH District- Patna

ANKUSH KUMAR @ ANKUSH KUMAR SINGH Son of Shankar Prasad
Singh @ Guddu singh R/o Mor Purvi ward no. 5, P.O- Mor, P.S- Mokama,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chittiranjana Sinha, Sr. Adv. Mr. Abhishek Anand, Adv. Mrs. Madhuri Kumari, Adv. Mr. Nagadeo Choubey, Adv.
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP. Mr. Uma Shankar, Adv. Mr. Prem Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV ORDER

4 28-07-2023 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 354(D), 306 of the
Indian Penal Code and Section 12 of POCSO Act.

3. Allegation against the accused persons including the
petitioner is that they used to follow the daughter of the informant
when she used to go to her tuition. It is further alleged that on
13.10.2022, the accused Ankush Kumar repeated the same but
seeing the informant, he fled away and later on, co-accused friend
of Ankush Kumar, namely, Raja Babu came to the informant and
started scuffling with the informant. It is further alleged that being



traumatized by these acts of the accused persons, the daughter of the victim committed suicide.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the deceased daughter of the informant has not committed suicide rather the matter is of honour killing and that too by the informant himself and now in order to save himself from the offences committed by the informant, the informant has concocted the story of suicide of his daughter. Some of the villagers of the informant's village has also filed petition before the local police to that effect. It is further submitted that under the aforesaid facts and circumstances, no offences as mentioned in the FIR were ever took place, hence no case is made out against the petitioner. In this context of the matter, it is also important to mention here that by no stretch of imagination, the ingredients of any offences under the Penal Code or the POCSO Act is made out against the petitioner and the present case is sheer abuse of the process of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.



5. Learned senior counsel further submits that from the perusal of the case diary, it is clear that no independent witnesses have supported the prosecution case except the family members of the deceased. Multiple bruise over her right hand (arm and forearm) and 3-4 nail bites over right side of her neck were found during PMR examination of the deceased. He lastly submits that victim has not committed suicide rather the matter is of honor killing since the deceased daughter of the informant had love affairs with the petitioner, which is also clear from the paras 25, 26, 38, 55 & 56 of the case diary and petitioner has no any role in the suicide of the deceased daughter of the informant. So, he must be granted privilege of anticipatory bail.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that the daughter of the informant committed suicide due to stalking done by the petitioner when she used to go to her coaching and when the informant forbade him from doing so, the petitioner along with other accused persons started scuffling with him.

7. Having regard to the facts and circumstances of the case, as from perusal of record including the case diary, there is no ample material against the petitioner to indicate the complicity of the petitioner in the present case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before



the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Mokama P.S. Case No. 319 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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