

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33753 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- MAHILA P.S District- West Champaran

RAVIKANT PRASAD @ VIKRANT PRASAD, S/o Pundeo Prasad, R/o
village- Gahiri Kothi, Kachahari Chowk, P.S.- Nautan, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 12-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Bettiah
Mahila P.S. Case No. 32 of 2021 registered for the offence
punishable under Sections 420, 498(A), 341, 323, 307, 506 and 34 of
the Indian Penal Code and subsequently Section 4 of the POCSO Act
has also been added.

The informant has alleged that she was married to one
Munna Giri. The husband of the informant was not having a proper
state of mind. Taking advantage of this situation, the petitioner has
established physical relationship and ultimately she has solemnized
marriage with the petitioner in 2019. She alleges that a son was also
born out of the wedlock. On 15.12.2021, petitioner along with all his
family members has turned out the victim from his house and that the
petitioner is planning to solemnize marriage with some other person.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case. The Court's



attention is drawn to the copies of the informant's birth certificate, her identity card issued by the Election Commission of India, as well as birth certificate of her son who was born on 01.09.2020. From these documents, it is pointed out that she has consistently been shown as wife of Munna Giri. The date of birth recorded in the birth certificate also shows that after January, 2016 she was a major. Upon some alleged school documents, she has got the provisions of POCSO Act added in the case nearly four months after its institution to make it look grave. The petitioner, under such circumstances, is in custody since 14.03.2022. It is further submitted that the petitioner has one antecedent in Nutan P.S. Case No. 63 of 2020. The investigation in the instant case is complete and there is no allegation of tampering of evidence.

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

Considering the material in the investigation, the documents placed in the petition by the petitioner, as well as the nature of accusations, this Court is inclined to allow the petitioner's prayer for bail.

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 6th Additional District and Sessions Judge, Bettiah, West Champaran, in connection with Bettiah Mahila P. S. Case No. 32 of 2021, 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)

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