

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51653 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- RIVILGANJ District- Saran

1. Amit @ Amit Kumar Prasad @ Amit Kumar Son Of Raj Kumar Prasad R/O-
Godna Brahm Toli, P.S.-RIVILGANJ, Distt.-SARAN At Chapra
2. Meena Devi Wife Of Praveen Sah R/O-Nayka Barka Baiju Tola, P.S.-
RIVILGANJ, Distt.-SARAN At Chapra

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/S

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 376, 511, 354(B), 504, 506, 34 of the Indian Penal Code read with Section 12 of POCSO Act.

3. As per the prosecution, the informant has made allegation against the petitioners that there is illicit relation between the petitioner No.1 and petitioner No.2 and she is the eye witness of the same. In this case, petitioner No.2 is the mother of the informant and it has been alleged that both the petitioners together tried to outrage the modesty of the

informant. It is also alleged that petitioner No.1 is the reporter of *Dainik Jagran* and on this instance, he used to put pressure upon the informant. It has also alleged in the F.I.R. that both the petitioners have threatened the mausi of the informant and her sons to kill.

4. Counsel for the petitioners submits that the present case is a false case and petitioners are innocent and have committed no offence.

5. Counsel further submits that the informant has shown her age as minor whereas Annexure-5 is the certificate in which her date of birth is 21.08.2003, which clarify that on the date of occurrence, her age was 19 years and not 17 years. As such, the POCSO Act shall not attracted in the present case.

6. Counsel further submits that the present F.I.R. is the result of the action done by the informant herself as the informant entered into marriage, breaking the social norms and in violation of Hindu Marriage Act, with her own cousin (mausi's son). In this regard, the father of the informant has also lodged a criminal case which is Annexure-4 in which the alleged husband and mother-in-law of the informant were made accused.

7. Counsel further submits that the case has been

lodged against petitioner No.1, due to the reason that petitioner No.1 is the friend of informant's father and he has visited with the informant's father at the house of her husband and put pressure that what informant and her law's are doing, are not good for the society and violative to the Hindu Marriage Act as such type of relation is within the degrees of prohibited relationship.

8. Counsel for the petitioners further submits that the name of petitioner No.1 has come in this case only due to this reason that he has supported the father of the informant. Counsel further submits that from the Annexure-3, it is crystal clear that the informant herself developed relation with her brother (son of mausi) and entered into marriage.

9. Learned APP for the State opposes the prayer for bail and submits that the allegation of POCSO Act is there.

10. In the facts and circumstances that neither POCSO Act nor offence under Section 376 of I.P.C. has made out against the petitioners, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the

learned A.D.J.-VI -cum- Special Judge POCSO Act, Saran,
Chapra in connection with Rivilganj P.S. Case No.102 of 2023 ,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dr. Anshuman, J.)

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