

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11857 of 2024

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA PS District- East Champaran

Ramesh Kumar, S/O Surendra Paswan, R/O Village- Bangri, P.S- Pipra Kothi,
Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X X X D/O Babulal Paswan, R/O Vill- Bangari, P.O and P.S- Pipra Kothi,
Distt.- East Champaran. At Permanent Address, Vill- Dekha Karm Kuea
(Ward No.-9), P.S- Motihari (M), Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate
For the State	:	Mr. Aslam Ansari, APP
For the Victim	:	Mr. Kundan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 26-07-2024 Heard Mr. Anshuman Singh, the learned

Advocate for the petitioner and Mr. Kundan Rathore, the

learned Advocate for the complainant/victim. The State

is represented by Mr. Aslam Ansari, the learned APP.

2. The petitioner seeks bail in connection with

Motihari Mahila P.S. Case No. 39 of 2020 dated

30.08.2020 instituted for the offences under Sections

493, 376, 504 and 34 of the Indian Penal Code and

Sections 4/6 of the POCSO Act, 2012.



3. A written report was filed by two of the social workers alleging that the victim was always stalked by the petitioner. The petitioner was her neighbour and he provided bait to the victim for talking to him on telephone. He was successful and on one occasion, he entered the house of the victim at about 11 O'clock and established physical contact with her. He continued to visit the victim on several dates. He is also alleged to have given one mobile telephone to the victim, which phone was abandoned by her. Later, the petitioner is also alleged to have given an assurance to her that he would marry her. However, the petitioner left for Delhi. In the meantime, the victim became pregnant.

4. The learned counsel for the petitioner has submitted that an absolutely false case has been lodged at the instance of two of the social workers, who have taken upon themselves to vindicate the cause of the victim.



5. The narration in the written report, it has been argued, clearly establishes that no effort was made by the victim to stop the petitioner from visiting her house.

6. That apart, it has further been urged that in fact, the victim was given an opportunity to perform in a musical company and may be that the victim did not perform well and she could not continue with her assignment and, therefore, this false case has been lodged.

7. Another fact which has been brought to the notice of the Court is that admittedly the victim had been staying with her uncle, who incidentally has filed a complaint against the victim for having run away from his house with his belongings.

8. As opposed to the afore-noted contentions, Mr. Rathore, the learned counsel for the victim has submitted that according to the Aadhar Card of the



victim, she is a minor.

9. This argument has been advanced in response to the claim of the petitioner that the victim has been assessed to be 18 to 19 years of age in the medical examination.

10. He has also submitted that the uncle of the victim and the petitioner perhaps are related to each other. If they are related to each other, then perhaps there is a relationship between the petitioner and the victim as well.

11. Regard being had to the afore-noted facts and taking into account that the petitioner is in custody since 22.11.2023, he is directed to be released on bail, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Mahila P.S. Case No. 39 of 2020.



12. While saying so, we have taken note of the fact that charge-sheet in this case has already been filed.

13. The petitioner is cautioned not to cross ways with the victim at any point of time and if he does so, it would be open for the victim to approach this Court for cancellation of his bail.

(Ashutosh Kumar, J)

Sauravkrsinha/
Krishna-

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