

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36405 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- PHENHARA District- East Champaran

Bajrangi Sah @ Bajrangi Kumar, Son Of Krishnanandan Sah Resident Of
Village- Madpa Mohan Harinagar Tola, Ps- Fenahara, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajesh Rai Son Of Bindeshwar4 Rai Village- Ward No. 41, Zila Parishad
Road Silliguri, Po- Sewak Road, Ps- Bhakti Nagar, Dist- Jalpaiguri

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Praveen Kumar Agrawal
For the Opposite Party/s :	Mr. Umeshanand Pandit
	Mr. Shivnandan Bharti
	Mr. Pintu Kumar Patel
	Mr. Madhav Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Phenahara P. S. Case No.01 of 2024 registered for the
offences punishable under Sections 341, 323, 324, 506 and 376
of the Indian Penal Code and Section 4 of the POCSO Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that his daughter had gone to the house of her
maternal grandfather for appearing in an exam where petitioner
started coming frequently. Further, petitioner made video of his



daughter while she was taking bath. Further, on 13.11.2023 petitioner came and showed the video to the victim and started blackmailing and threatened that if she would disclose the fact to anyone, he would make the video viral on social media. It is next alleged that on 14.11.2023, when victim was alone, the petitioner came and forcefully established physical relation and thereafter, continued to exploit her physically under threat. It is further alleged that sister of petitioner was aware of the occurrence and also supported the petitioner in the occurrence.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of Page-19 to the anticipatory bail application, it would manifest that the same contains the birth certificate of the victim and from perusal of the same, it would manifest that the victim is aged about 17 years and odd. It is further submitted that by way of Annexure-2, the photograph of the victim and the petitioner has been brought on record and from perusal of the same, it would manifest that the victim and the petitioner were in love and were known to each other well. It is also submitted that had the petitioner been blackmailing the victim, in that event, such photographs would not have been clipped. It is also submitted



that no doubt, victim is a minor, but then, she had reached the age of discretion. It is also submitted that allegation of rape has been alleged only to give serious colour to the case when the relationship was completely consensual. It is further submitted that the victim under parental pressure supported the case of prosecution in her statement recorded under Section 164 of the Cr.P.C.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the bail application and submits that whether the relationship was consensual or not for the present is immaterial, when from the birth certificate, it manifests that victim was a minor.

6. At this stage, the learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application.

7. Permission is accorded.

8. Accordingly, instant petition is dismissed as withdrawn.

(Satyavrat Verma, J)

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