

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47708 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- BHAGWANPUR District- Begusarai

Vivek Raj S/O Ramesh Kumar R/O Village-Ward No. 15 Chakdullam,
Banwaripur,P.S.-Bhagwanpur Begusarai,Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakshi Kumari W/O Vivek Raj, D/O Bhiton Chaurasiya R/O Village-Banwaripur, Ward No.15,P.S-Bhagwanpur,Distt-Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Abhigyan, Advocate
		Mr. Gaurav Kumar, Advocate
For the Opposite Party/s	:	Mr. Zeyaul Hoda, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

214-08-2024

Heard learned counsel for the petitioner and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with A.B.A. No. 996 of 2024 in POCSO Case No. 27 of 2024 arising out of Bhagwanpur P.S. Case No. 247 of 2023 registered for the alleged offences under Section 341, 323, 504, 506, 498A and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner giving inducement of marriage established sexual relationship with the complainant informant and also shot nude photographs and thereafter started blackmailing her in making sexual relationship with him. The informant became pregnant and the petitioner caused her abortion by giving her some medicine. Further allegation against

the petitioner is that while he was making sexual relationship with the informant, they were caught in this act by the family members of the informant who forced the petitioner in solemnizing marriage with the informant. However, subsequently the petitioner drove out the informant from his house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant has concealed material facts and has lodged this false case. The informant is a married woman and her marriage was solemnized with one Chandan Kumar on 06.07.2022 and said Chandan Kumar filed a case for divorce against the informant which was dismissed by the learned Principal Judge, Family Court Sheikhpura. The real fact of the case is that the petitioner was forcibly married with the informant and the petitioner filed a complaint case against the present informant and her family members *vide* Complaint Case No. 1210C of 2023 which was subsequently converted into Bhagwanpur PS Case No. 217 of 2023. Coming to know about lodging of this case the informant has lodged this false case in order to save her skin. Even from the allegation made in the complaint petition, the petitioner was himself a minor aged about 15 years in year 2017 and the allegations are simply not believable. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier marriage of the informant and the background of dispute between the parties and further considering strong possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-VI-cum-Special Judge of POCSO Act, Begusarai in connection with Bhagwanpur P.S. Case No. 247 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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