

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49795 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- TAJPUR District- Samastipur

Bharat Das Son of Pathru Das Resident of village - Digambara, Police Station
- Pusa Waini, District - Samastipur

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. XXXX XXXX D/O Dayananad Das R/O Village - Tajpur Gandhi Chawk,
P.S. - Tajpur , Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Tajpur P.S. Case No. 132/2024, arising out of Complaint Case No. 257 of 2023 registered on 23.04.2024 for the offences punishable under Sections 147, 323, 342, 376, 307, 354, 420, 406 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution, the son of the petitioner established a physical relationship with the complainant forcibly several times on the pretext of marriage and prepared an obscene video of the complainant and whenever the



complainant asked the son of the petitioner for marriage, he made excuses and, subsequently, threatened her to get the said video viral on social media. Subsequently, the son of the petitioner posted the obscene video of the complainant on social media. On protest being made, all the accused persons assaulted the father of the complainant and others. It is specifically alleged against the petitioner that he wanted to strangle the father of the informant to death.

4. It is submitted by Learned Counsel for the petitioner that the petitioner is innocent and has committed no offence. In fact, the son of the petitioner and the victim are relatives and they are love affairs. Moreover, from the content, of the complaint petition, it itself appears that in the year 2018 when the son of the petitioner and the complainant came in contact with each other, the age of the victim was 17 years and the present complaint has admittedly been filed in the year 2023 i.e. about five years of the date of occurrence and at the time of filing of the complaint, she was aged about 23 years. The petitioner is not aware of the alleged occurrence, but his name has been dragged in this case only being the father of co-accused, Rup Kant @ Rupkant Kumar, and his antecedent is clean.



5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Learned Counsel for the Complainant opposes the prayer for bail of the petitioner and submits that there is a specific allegation in the complaint petition that the petitioner tried to strangle the father of the complaint to death.

7. In the facts and circumstances, let the above-named petitioner 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) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur, in connection with Tajpur P.S. Case No. 132/2024, arising out of Complaint Case No. 257 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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