

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46896 of 2023

Arising Out of PS. Case No.-117 Year-2020 Thana- RAJEPUR District- East Champaran

NAND KISHORE DAS SON OF KAILASH DAS RESIDENT OF
VILLAGE- SONAUL, PS- RAJEPUR, DIST- EAST CHAMPARAT AT
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-02-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Rajepur P.S. Case No.117/2020 dated 17.09.2020 registered for the offence punishable under Sections 363, 376 and 34 of the Indian Penal Code & Sections 4, 8 and 12 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case but then the same was instituted by the father of the present informant. It is next submitted that earlier the father of the present informant had instituted Rajepur P.S. Case No.81/2020 alleging therein that while his daughter (i.e. informant of the present case) was



coming from tuition, several accused persons including the petitioner kidnapped her. Further Baiju Sah and Randhir Kumar saw the occurrence. It is next submitted that though the father of the present informant instituted the aforesaid case alleging about her kidnapping but then the present informant was recovered and her statement was recorded under Section 164 of the Cr.P.C., in Rajepur P.S. Case No.81/2020 in which she did not support the case of the prosecution rather stated that she was in love with Dilip and has performed her marriage. It is thus submitted that based on her statement recorded under section 164 of the Cr.P.C., Dilip Kumar @ Lalu was granted the privilege of anticipatory bail by a learned co-ordinate Bench by an order dated 09.03.2022 in Cr. Misc. No. 29355/2021. It is next submitted that thereafter it appears that the informant who was a victim in Rajepur P.S. Case No.81/2020 under parental pressure instituted the instant F.I.R. alleging therein that she was kidnapped by the accused persons including the petitioner and Dilip Kumar committed rape multiple times and even video-graphed the occurrence and threatened that in the event if she discloses the occurrence to anyone in that event the video would be made viral. It is next submitted that no doubt in the present F.I.R. petitioner is also named as one of the accused but then



from perusal of the allegation as alleged in the F.I.R. it would manifest that the thrust of the allegation is against Dilip Kumar. It is also submitted that for the same occurrence the father of the present informant had instituted Rajepur P.S. Case No.81/2020. It is thus submitted that for the same occurrence, two F.I.R have been instituted when what has been alleged in the present F.I.R. the same could have been investigated by the police in Rajepur P.S. Case No.81/2020. The learned counsel further submits that petitioner has been falsely implicated by the informant who as victim in Rajepur P.S. Case No.81/2020 did not support the case of the prosecution as recorded hereinabove.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Rajepur P.S. Case



No.117/2020, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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