

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59419 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- BHORE District- Gopalganj

Rabindra Mishra S/o Pahwari Mishra R/o vill - Rakba, Uttar Tola, P.S. -
Bhorey, Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Devi W/o Manoj Prasad R/o vill - Rakba, Uttar Tola, P.s - Bhorey,
Distt. - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 377 and
34 of the Indian Penal Code and Sections 4 and 6 of POCSO
Act.

3. The learned counsel for the petitioner submits that
the petitioner is a senior citizen, aged about 67 years and the
informant alleges that petitioner along with Vivek committed
unnatural sex with her son and made video viral of the
occurrence.

4. The learned counsel for the petitioner submits that
from perusal of the FIR, it would manifest that the age of the



petitioner in the FIR is disclosed as 45 years, when petitioner is a senior citizen aged about 67 years, which amply demonstrates that the informant is not known to the petitioner or for some ulterior reason, he has been implicated. It is also submitted that petitioner till the age of 67 years has remained a person with clean antecedent and all of a sudden, he has been made a criminal with an allegation as alleged in the FIR. It is also submitted that though in the FIR, it is alleged that the occurrence was put on social media but then the allegation does not even remotely suggest that the video was handed over to the police. It is next submitted that a specific pleading has been made in the anticipatory bail application that the police had asked for the clothes of the victim but then the same was not handed over to the police and the FIR came to be instituted after a delay of 26 days.

5. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that video of the occurrence was put on the social media.

6. The said submission of the learned counsel appearing on behalf of the informant is vehemently rebutted by the learned counsel appearing on behalf of the petitioner, the learned counsel submits that had there been any video of the



occurrence, then the same would have been handed over to the police, but then the FIR does not even remotely suggest that any video was handed over to the police. It is also submitted that the FIR does not disclose the name of the person who showed the video to the informant which casts an aspersion on the case of the prosecution. The learned counsel for the petitioner further submits that even presuming what has been alleged is true without admitting then whether a prudent person would make video of the occurrence and thereafter put the same on social media and thus would create evidence against himself.

7. 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 trial court 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 trial court where the case is pending/successor court in connection with Bhorey P.S. Case No. 102 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. At this stage, learned counsel for the petitioner



seeks permission to make rectification at para-1 of the
anticipatory bail application.

9. Permission is accorded.

(Satyavrat Verma, J)

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