

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64612 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Brishan Patel @ Brishin Patel Son of Gulzar Prasad @ Gulzar Prasad Patel
Resident of Village - Nagwa, P.S. - Patdhi Belsar, District - Vaishali, Present
Address- At Gulzar Mansion, Road No.10, Rajendra Nagar,P.S. - Kadam
Kuan, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Kumari Daughter of Harendra Ray Resident of Village - Basauli, P.S. -
Kudhani, District - Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Kaushal Kishor, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Complainant	:	Mr. Y. C. Verma, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner, Mr. Y. C. Verma, learned senior counsel for the

complainant and Mr. Uday Chand Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 56 of 2023 for the offences
punishable under Sections 323, 341, 354(B), 307, 420, 376 and
504 of the Indian Penal Code and Section 4 of the POCSO Act
but the learned Court below has taken cognizance against the
petitioner under Sections 6, 12 and 14 of the POCSO Act and



Sections 323, 341, 354(B), 420 and 376 of the Indian Penal Code.

3. The short facts of prosecution case is that the victim met with accused Brishin Patel her village when he came there to attend a public meeting. She requested him for an employment along with some other girls. The accused given his name and mobile no with address to her and stated to meet him in Patna. Later on a phone call was received by the complainant in which she was told to meet Brishin Patel. She somehow reached at the Apartment of accused. She was picked by car from Boring Road. Some girls were also present at his flat. Brishin Patel stated her that why are you roaming around for job, he was in search of some talented girl so that she could be given ticket to contest election from RJD. The complainant became surprised. She was made to stay in the same flat of Brishin Patel itself. After the believing on the version of the accused she stayed there. In night she was subjected to sexual harassment by the accused. Accused also made physical relationship with the complainant however she cried and protested. This sequence continued and whenever complainant protested she was blackmailed by showing some of her obscene pictures and video clip in the mobile phone of accused. One



particular dated she managed to transfer on such video clip on her own mobile phone in which some other girls were also involved in such sexual harassment. Later on the complainant raised her courage and narrated all story to her family. when this matter brought to the knowledge of the accused by the family members then they were threatened that they will be ruined. Some leaders even suggested to complainant not to raise voice against the accused who is a powerful leader and warned her that her family members will be killed. After that the complainant approached the local police- station and even sought help of some journalist but nothing worked in her favour. Accused even called the Complainant and threatened for dire consequences. Some muscle man of accused even created nuisance and damaged the household goods at the house of Complainant. Lastly, the Complainant approached the court for justice. Along with Complaint, the Complainant has filed pen-drive with video clips.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as



alleged in the complaint petition. He further submits that from a bare perusal of the complaint petition it appears that the complainant has not stated anywhere in the complaint petition that on which date the occurrence has taken place and even he has not mentioned the date and time of the occurrence in the entire complaint petition. He further submits that the petitioner has filed EO Case No. 17/2023 on 17.11.2023 thereafter the present complaint petition has been filed on 24.11.2023. He further submits that from a bare perusal of the EO Case No. 17/2023 it appears that two telephone numbers were mentioned in the E.C. Case No. 17/2023 which suggest that the one phone number was of the complainant and second phone number was of Manjay Kumar.

5. Learned senior counsel for the complainant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submit that on the date of occurrence the victim was minor so POCSO Act is attracted against the petitioner and apart from that there is number of photographs which suggests that the petitioner was also involved in the present crime in question.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Session Judge-7 Cum Special Court POCSO (II), Muzaffarpur in connection with Complaint Case No. 56 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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