

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68958 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- DHAMDAHA District- Purnia

Mahendra Kumar @ Mahendra Das S/O Late Basant Das @ Late Vasant Das
R/O Village- Damgara, Kukran, P.S- Dhamdaha, Distt.- Purnia, Bihar-
854205.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Miss X D/O Rajendra Das R/O Village- Damgara, P.O- Amari Kukraun, P.S-
Dhamdaha, Distt.- Purnia, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Prabhakar, Adv.
For the State	:	Mr.Dr. Ajeet Kumar, APP
For the O.P. No.2	:	Mr. Abhijeet Abhigyan, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2024 Heard Mr. Kumar Prabhakar, learned counsel for the

petitioner, Mr. Dr. Ajeet Kumar, learned APP for the State and

Mr. Abhijeet Abhigyan, learned counsel for the O.P. No.2.

2. The petitioner apprehends his arrest in connection
with Dhamdaha P.S. Case No. 123/ 2023 dated 12.06.2023
registered for the offence(s) punishable under Section(s) 376 of
the IPC and section 4 of the POCSO Act.

3. The main submissions advanced by learned counsel
for the petitioner are that the FIR was lodged after four months
of the commission of the alleged occurrence, in actual, the
petitioner's younger brother, Manish Kumar was having love
affair with the so-called victim, who is also an accused in this



matter, but he has been declared juvenile and in the present time, good relation has restored in between the petitioner's side and the informant. The petitioner has been made accused mainly in order to create pressure upon the petitioner's family so that the marriage could be solemnized in between the informant and the brother of the petitioner and later on, the victim herself filed a petition before the trial court on 01.05.2024 accepting her love affair with petitioner's brother and denying any crime by this petitioner with her and the petition's copy has been filed before this court. It is further submitted that in the present time, the informant, who is said to be the victim, is residing in the house of the petitioner as the wife of the petitioner's brother.

4. Learned counsel appearing for the O.P. No.2 accepts the aforesaid submissions and also accepts the factum of compromise in between both the parties and the petitioner's innocence in the alleged crime as well as the informant's residing in the house of the petitioner as the wife of the petitioner's brother.

5. Considering the above submissions advanced by the petitioner's counsel, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the



petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dhamdaha P.S. Case No. 123/ 2023 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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