

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70151 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- SIWAN CITY District- Siwan

Rabindra Kumar Singh @ Rabindra Kumar Rai Son Of Late Dhrubnath Prasad Rai Village- Bakhri Ps- Siswan Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-01-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 467, 468, 471, 420, 120B, 504, 506 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution case, in nutshell is that, the informant alleged that his minor daughter and minor son of the petitioner were studying in same school. It is further alleged that obscene photographs of the victim were made as part of criminal conspiracy by the accused persons to grab the money of the informant through his daughter. By preparing the photographs and showing them to the victim, the accused threatened her to make it viral. Due to that pressure, his minor



daughter handed over gold jewellery of her mother and grand mother worth Rs. 57,00,000/- and cash of Rs. 3,00,000/- to the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The allegation of outraging the modesty with the informant's daughter is not against this petitioner rather the son of the petitioner used to harass the informant's daughter and threatened the victim to upload her obscene photographs. It is further submitted from para-6 of the supplementary affidavit that the present case has been instituted for an offence under Sections 467, 468, 471, 420, 120(B), 504, 506 and 34 and Section 8 of the POCSO Act then as to why not the S.H.O. Town Police Station, Siwan has instituted a case against the petitioner and others on 20.11.2022 on the first time, when the informant made a complaint against the petitioner. On the very date, there was no agreement in writing for paying Rs. 30,00,000/-. The S.H.O. has pressurized/threatened the petitioner in connivance with the informant to give in writing for returning the aforesaid money. Further, from para-7, it is submitted that S.H.O in connivance with informant has instituted the present case after lapse of 4 ½ months against the



petitioner and others when it has come to knowledge that the petitioner will not pay any single penny to the informant for implicating him in false case. Moreover, the petitioner is languishing in judicial custody since 04.09.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that petitioner is named in FIR and he took Rs. 30,00,000/- from the informant by way of cheating.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Siwan Town P.S. Case No. 181 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, VI cum Special Judge POCSO Siwan.

(Sunil Kumar Panwar, J)

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