

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76902 of 2024

Arising Out of PS. Case No.-539 Year-2024 Thana- SIKARPUR District- West Champaran

Lalbabu Ray @ Lalbabu Kumar Son of Bali Ray Resident of Village- Pandey
tola, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Victim) D/O Sunil Das Resident of Village- Pandey Tola, Ward no. 23,
P.S.- Shikarpur, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-11-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Shikarpur Police Station Case No. 539 of 2024,
disclosing offences punishable under Section 126(2) and allied
sections of B.N.S. Act, 2023 and Sections 8 and 12 of POCSO
Act.
3. The prosecution case, as per the First Information
Report, is that petitioner along with other accused persons used
to make dirty comments on the informant and when she
protested, they threatened her. On 25.07.2024 at about 8.30 pm,
after coming to know about the incident, informant's father went



to the house of petitioner to ask about the same, he was abused and assaulted. Petitioner gave a rod blow on the head of informant's father and when informant came to save her father, she was also assaulted.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case on account of the fact that there was previous dispute between the parties. He further submits that the present case is an afterthought of the informant, inasmuch as the occurrence took place on 25.07.2024, however the F.I.R. has been lodged after delay of 05 days i.e. on 30.07.2024. He also submits that case has been compromised between the parties.

5. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including the impugned order.

6. From the impugned order, it is apparent that the statement of the informant's daughter was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that for the last six months from the date of occurrence, the petitioner was harassing her by making dirty comments. As per the First Information Report, the victim was aged about 15 years on the date of lodging of F.I.R.



7. In the case of State of *Madhya Pradesh v. Madan Lal*, reported in *(2015) 7 SCC 681*, the Supreme Court has held that in case of sexual offence, the concept of compromise specially in the form of marriage between the accused and the prosecutrix shall not be thought of and the Courts are to remain away from this subterfuge to adopt a soft approach to the case. Any such attempt would be offensive to the woman's dignity.

8. The supreme Court, in the case of *XYZ and Others v. The State of Madhya Pradesh (AIR 2021 SC 1492)*, has directed that the Courts while adjudicating cases involving gender related crimes, should not suggest or entertain any notions (or encourage any steps) towards compromises between the prosecutrix and the accused to get married, suggest or mandate mediation between the accused and the survivor, or any form of compromise as it is beyond their powers and jurisdiction.

9. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

10. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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