

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14094 of 2025

Arising Out of PS. Case No.-120 Year-2024 Thana- SIWAIPATTI District- Muzaffarpur

1. Fudeni Das S/O Late Batahu Das R/O Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.
2. Punam Devi W/O Fudeni Das R/O Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.
3. Krishana Kumar S/O Fudeni Das R/O Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.
4. Suraj Kumar S/O Fudeni Das R/O Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.
5. Deepak Kumar S/O Fudeni Das R/O Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim X D/O Akindar Das R/O Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-07-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Siwaipatti P.S. Case No. 120 of 2024 for the offence registered under sections 137(2), 96, 70(1), 127(2), 115(2), 351(2), 3(5) of BNS Act and Section 4/6 of POCSO Act lodged on 11.09.2024 by the informant, Anjali Kumari.

3. In the FIR lodged on 11.09.2024, the allegation is that on 12.08.2023, she was given a drink by her neighbor,



Rohit Kumar whereafter, she became unconscious. The allegation is that she regained consciousness after 4 to 5 days and found herself in Mumbai. There, Rohit Kumar established physical relationship, she became pregnant, the pregnancy was terminated, whereafter, assault took place regularly. Later, she was brought to Muzaffarpur and the allegation is that Rohit Kumar's father and the brothers (petitioners herein) committed rape. The mother of Rohit Kumar (petitioner no. 2) was also instrumental in the said act of her family members. This led to the FIR.

4. Learned Counsel for the petitioners submit that the girl was in relationship with Rohit Kumar, she went to Mumbai on her own, they lived together and upon return, a dispute arose between the complainant and Rohit Kumar, whereafter being infuriated, belatedly, for an occurrence of 2023, FIR lodged in the year, 2024.

5. Earlier, notice was issued by the Co-ordinate Bench, the record shows that it has been personally received by the victim, there is no appearance on her behalf.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation is not only on Rohit Kumar but also on the family



members.

7. Considering the submissions of the parties as also the fact that there has been delay in lodging of the FIR, main allegation is against Rohit Kumar, though the same has been extended to the family members also, they are father and the brothers beside the mother, notice was issued, the complainant is unrepresented, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court POCSO-1, Muzaffarpur in connection with Siwaipatti P.S. Case No. 120 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Nothing recorded in this order shall be taken into account at the time of trial as the same has been incorporated only for the purpose of grant of anticipatory bail.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

