

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68986 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- KANGLI District- West Champaran

Vishal @ Vishal kumar Son of Lalan Prasad @ Lalan Sah Village- Sita Ray,
Mathiya Ps- Lauriya Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX, C/o Late Ramchandra Prasad R/o- Sugaha Bhagwanipur Ps- Kangali Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the State	:	Mr.Sanjay Kumar Tiwary, APP
For the O.P.No.2	:	Mr. Anant Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 19-04-2025 Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kangali P.S. Case No.3 of 2024 registered for the offences punishable under Sections 363, 366A, 511 and 323 of the Indian Penal Code, under Sections 4 and 8 of the POCSO Act and under Sections 66 and 67 of the I.T. Act.

3. The basis of the present case is a complaint petition filed by the father of the alleged victim which was sent for institution of an FIR under Section 156(3) Cr.P.C. and the same was done. It has been alleged in the complaint that while the elder daughter of the informant was married with the elder



brother of the petitioner, the younger daughter of the informant, while she had gone along with the petitioner for taking her intermediate examination she was allured by the petitioner and was taken to a temple where vermilion was applied by the petitioner and the marriage was performed.

4. Learned counsel for the petitioner submits that despite the fact that the date of occurrence which is being alleged has been stated to be 10.05.2022 whereas the present complaint came to be lodged on 19.12.2023. It has also been submitted by the learned counsel for the petitioner that as a matter of fact the daughter of the informant who is an adult was in a love relationship with the petitioner who is her own sister-in-law.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for anticipatory bail of the petitioner and have drawn the attention of this Court towards the statement of the victim girl recorded under Section 164 Cr.P.C. A perusal of the same would disclose that the marriage of the victim with the petitioner already happened in the year 2022 and a further allegation has been made that the video to that effect had been prepared and such video was subsequently made viral so that her marriage could not be solemnized at a different



place. After perusal of the 164 Cr.P.C. statement of the victim girl, it would be evident that she is major and her statement has been recorded on 24.06.2024, which is more than two years after the date of occurrence and also more than eight months since the allegation of making the video viral had been made.

6. At this stage, it has been submitted by learned counsel for the informant that it has come in the FIR as well as in the 161 Cr.P.C. statement of the victim girl that while she stayed with the petitioner in a hotel at Raxual a physical relationship was also established with her after solemnization of marriage. However, it would appear that such allegation has not been made in the 164 Cr.P.C. statement of the victim girl and it also remains a fact that if such was the matter why no earlier complaint was made with regard to the said allegation.

7. However, the case diary has also been looked into in order to verify the allegation of the video being made viral by the petitioner but no evidence has been collected during the course of investigation to substantiate the said fact. It is also taken into consideration that there has been no allegation of any sexual exploitation rather the allegation only relates to the desire of the petitioner to get married to the victim.

8. Taking into consideration the abovementioned facts



and circumstances of the case and further that the petitioner has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, VIIth-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Kangali P.S. Case No.3 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

9. At this stage, it is informed by learned counsel for both the sides that the victim is now married to somebody else. It is expected that both the parties would not indulge in any act which would harm the reputation of each other.

(Soni Shrivastava, J)

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