

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72305 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MAHILA P.S. District- Samastipur

Deepak Kumar Son of Arvind Mahto Village- Paroriya, PS- Ujiyarpur, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Name Invisible Daughter of Rudal Pandit Village- Paroriya, Ps- Ujiyarpur, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary
For the Opposite Party/s	:	Mr. Zainul Abedin
For the Informant	:	Mr. Anant Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 376, 455, 504, 506 and 34 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant at the instance of her family members. It is next submitted that petitioner and the informant, who is a major, were in love and the relationship was



being opposed by the family members of the informant, as such, the petitioner came to be implicated in the instant case by the informant with an allegation that on 10.05.2024 at about 11:00 PM when she was sleeping in her room, the petitioner entered her room and raped her.

4. The learned counsel for the petitioner submits that the date of occurrence is 10.05.2024 and the FIR came to be instituted on 26.05.2024 i.e. after a delay of more than 16 days. It is further submitted that even the injury report does not corroborate rape. It is next submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has disclosed her age as 18 years, but in order to give serious colour to the case, the informant at the instance of her family members in the FIR recorded her age as 17 years. It is further submitted that from perusal of the statement of the victim recorded under Section 164 Cr.P.C., it would manifest that the victim and the petitioner were known from before and were having friendly relation.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on



behalf of the petitioner that the victim/informant in her statement recorded under Section 164 Cr.P.C has disclosed her age as 18 years, further are also not in a position to explain the delay in instituting the FIR, but then it is submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No. 33 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite



giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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