

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72252 of 2024

Arising Out of PS. Case No.-377 Year-2024 Thana- BAKHTIYARPUR District- Patna

1. Sonu Kumar S/o Chhoti Lal R/o Village- Kashmiri Chak, Post- Dosut, P.S.- Noorsarai, District- Nalanda
2. Dina Kumar @ Dina Ram S/o Sita Ram R/o Village- Jagdishpur, P.O.- Bhuapur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Riya Kumari D/o Naveen Ram R/o Village- Jagdishpur, P.O.- Bhuapur, P.S.- Bakhtiyarpur, District- Patna, PIN- 803211

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jayram Sharma, Advocate
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 01-05-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Special (POCSO) Case No. 172 of 2024 arising out of Bakhtiyarpur P.S. Case no.377 of 2024 registered under Sections 323, 354, 509 and 504 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. The allegation in the F.I.R which was lodged by the victim herself is that she used to talk on mobile phone with the petitioner no. 1 who is the brother-in-law of her cousin brother Dina Kumar (petitioner no. 2). During course of talking with



petitioner no.1, he took some screenshots of some obscene photographs in video calls and shared the same with petitioner no.2. She further states that the said photographs were subsequently made viral. It is further alleged that accused Dina Kumar assaulted the victim as also her brother.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The allegations against the petitioners are false and concocted. The occurrence had taken place on 27.06.2024 and the present F.I.R was lodged on 30.06.2024 i.e. after a delay of three days. He further submits that it is the case of love affair between the petitioner no. 1 and the daughter of the informant. The F.I.R also refers to marriage proposal given by the petitioner no. 1 with the informant/victim but the same was refused by her parents. So far as allegation against petitioner no. 2 is concerned, there is general and omnibus allegation of assault on the informant as also on brother of the informant. However, there is no allegation of any sexual assault. The petitioners have no criminal antecedent and undertake to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant who submits that the informant/victim has supported the



prosecution case.

6. Considering the entire facts and circumstances of the case and also considering the fact that the victim and petitioner no. 1 were on talking terms and the petitioner no. 1 was interested in getting married to the informant/victim, there does not seem any reason for him to make the photographs of the victim viral. It is directed that both the petitioners above named, having no criminal antecedent, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Special (POCSO) Case No. 172 of 2024 arising out of Bakhtiyarpur P.S. Case no.377 of 2024 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-VI-cum-Special Judge, POCSO, Patna, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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