

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82558 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- BRAHMPURA District- Muzaffarpur

Anil Kumar Sahu @ Anil Kumar Son of Late Shambhu Sah R/O- Mohalla
Police Line, Dadar, Near Mai Asthan, P.S.- Ahiyapur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vineeta Devi Wife of Vijay Kumar R/O- Moholla Awadh Bihar Lane, Ward
No. 3, P.S.- Brahmpura, Distt.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Santosh Kumar, Advocate Mr. Ritesh Abhishek, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioner and learned APP

for the State and also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Brahamapur P.S. Case No. 37 of 2024 instituted for the offence

under Sections 341, 323, 354B, 376, 504, 506 & 34 of the

Indian Penal Code and Sections 4 of the POCSO Act.

3. Prosecution case in short is that since 2020,

petitioner had been in a physical relationship with daughter of

the informant, which she disclosed to her mother a month before

the FIR. When confronted, petitioner denied the allegations but



later, on 08-01-2024, visited the victim house and left after making threats along with 15-20 unknown persons, who allegedly attacked the informant's family.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21-02-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is four years delay in lodging the FIR, as it is evident from the FIR itself that physical relation was established since 2020. No complaint in that regard was made prior to lodging of the instant case. Victim is major, which is evident from the impugned order. So far as medical report is concerned, the same falsifies the prosecution case. So far as later incident mentioned in the FIR i.e., 08-01-2024, there is general and omnibus allegation levelled against the petitioner. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being considerable delay in lodging the FIR, which creates doubt in the prosecution case and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Brahamapur P.S. Case No. 37 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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