

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51082 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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Babu Saheb Kumar, son of Late Gagandeo Thakur, resident of Village - Kathaulia; Police Station - Baruraj; District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate.

For the Opposite Party : Mr. Arbind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 105 of 2016 (Muzaffarpur) for the offences instituted under Sections 376 ii(i), 201/34 of the IPC and 4, 21 of the POCSO Act.

The prosecution story, in brief, is that one co-accused Harish Chandra Sah attempted to commit rape upon two minor girls, namely, Sonali Kumari aged about six years and Ujala Kumari, aged about five years. When the parents of the victims went to Sarpanch to inform him, co-accused Shatrughan Sah and Raju Mishra @ Avinash Narayan impressed upon them to subside the matter and offered Rs. 41,000/- each for not lodging the case.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. No overt act has been alleged against the petitioner. The injury report also does not support the allegation made in the FIR.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and he was encouraging the act of rape committed by co-accused Harish Chandra Sah.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Mahila P.S. Case No. 105/2016(Muzaffarpur), pending in the court of learned Special Judge, POCSO Act, Muzaffarpur. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced the order of this Court.

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(Sudhir Singh, J)

