

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46212 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

=====

Chandan Kumar, Son of Arjun Mahato, resident of village - Vishunpura
Bazar Bangla Par, Police Station Sidhwalia, District – Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 14-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sidhwalia P.S. Case No.65 of 2016/Trial No.14 of 2016 registered
under Sections 354(A),(D), 341, 323, 306, 504, 506 and 509/34 of
the Indian Penal Code besides Sections 7/8 of the POCSO Act,
pending in the court of the 1st Additional Sessions Judge,
Gopalganj.

The accusation is that on 02.08.2016, in the morning, at
about 08.00 A.M., when the informant had gone to attend the call
of nature, at that time, his co-villager Kundan Kumar, son of
Arjun Mahato, caught hold of her left hand, forcibly took her to



Kharhul, and attempted to commit rape on her by unfolding her clothes. On hulla being raised by the informant, the villagers rushed and then Kundan Kumar fled away from there. Earlier, Kundan Kumar used to tease her in course of going to school. On 02.08.2016, when the mother of the informant went to the house of Kundan Kumar to make complaint, Kundan Kumar assaulted her through fists causing injury on her left eye. At that time, wife of Lalan also started to abuse the mother of the informant and this petitioner also chased her with lathi to cause assault her. Further allegation of the informant is that due to teasing and attempt of outraging her modesty by Kundan Kumar, she set herself on fire.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the allegation of attempting to commit rape on the informant is against Kundan Kumar, the brother of the petitioner, and the only allegation against the petitioner is of chasing and trying to cause assault to the mother of the informant, when she had gone to make complaint at the house of Kundan Kumar. Except that there is nothing against the petitioner to connect him in the commission of the alleged offence.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant



anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within six weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

U		t	
---	--	---	--

