

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4662 of 2016

Arising Out of PS.Case No. -64 Year- 2014 Thana -MAHILA P.S. District- MADHUBANI

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1. MANISH KUMAR YADAV @ MANISH KUMAR son of Bijay Kumar Yadav, resident of village Chatara, P.S. Khajauli, District- Madhubani. A/p Bhariya Bishanpur, P.S. Rajnagar, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341 and 354A of the Indian Penal Code and section 12 of the Prevention of Children from Sexual Offences Act.

The prosecution case is that on 3.6.2014 at 8 P.M. the informant went towards the railway line to ease when the petitioner came and tried to outrage the modesty and ravish her but the informant fled towards her house and narrated the incident to her father and villagers. It is further alleged that the father of the informant went to the house of the petitioner to make protest and thereafter to Rajnagar police station when no action was taken

then filed a petition before the S.P., Madhubani on 6.6.2014. It is further alleged that on 20.6.2014 at 9 A.M. the accused persons came, abused and threatened the father of the informant. The accused persons assaulted the informant's father when the mother of the informant came to rescue then she was also assaulted.

It is submitted by the learned counsel for the petitioner that for the initial occurrence of 3.6.2014 and the last incident on 20.6.2014 the complaint was filed on 24.6.2014 which came to be registered as police case on 7.8.2014. It is further submitted that there is no injury report on record. Statement to the aforesaid effect has been made in paragraph 6 of the petition the relevant portion of which reads as follows:

“.....That there is no sexual assault or any medical report for any type of assault as such no case made out u/s 12 of the POCSO Act.”

Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Madhubani in connection with Mahila P.S. Case No.64 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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