

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47104 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -AMAUR District- PURNIA

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Bhola Kumar Biswas @ Bholai Mandal, son of Shyamlal Mandal, resident
of village-Pipara, Police Station-Amour in the district of Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

4 05-02-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Special Case No.26 of 2015, arising out of Amour P.S. Case No. 69 of
2015 registered under Section 376 of the Indian Penal Code and Section
6 of the Protection of Children Sexual Offence Act, 2012(POCSO)
pending in the court of 1st Additional Sessions Judge-cum-Special
Judge, Purnea.

The allegation of the complainant/informant, Soni Kumari, is
that on 17.03.2015 she was cutting grass in the maize field of the
petitioner. At that time, petitioner reached there and committed rape on
her on the point of knife. On voice being raised by her, her villagers,
Tetari and Meena Devi, reached there and saw the occurrence.

Learned counsel for the petitioner submits that, in fact, Arun

Kumar and Varun Kumar, the family members of the complainant/informant, Soni Kumari, had plucked the maize from the field of the petitioner regarding which Panchayati was arranged but the family members of the complainant/informant did not obey the decision of the Panches. Thereafter, petitioner filed Complaint Case No.830 of 2015 in the court of the Chief Judicial Magistrate, Purnea, against the family members of the complainant/informant and due to that reason, the family members of the complainant/informant got managed her to lodge this false case. Further submission is that while the complainant/informant has stated her age in the complaint petition as 16 years but in the medical examination her age has been assessed to be 18-19 years.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner., I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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