

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19042 of 2017

Arising Out of PS.Case No. -147 Year- 2015 Thana -BAKHTIARPUR District- SAHARSA

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Guru Charan Yadav @ Guru Chand Yadav Son of Jagdish Yadav, Resident of Village-Belwara Goth Bharna, O.P.-Kanaria, P.S.-Bakhtiyarpur, District-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-07-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bakhtiyarpur P.S. Case No. 147 of 2015 for the offences punishable under sections 376, 511, 341 and 323/34 of the I.P.C and section 8 of the POCSO Act.

Allegedly, the petitioner tried to commit rape with the daughter of the informant when she was cutting grass and when the informant made complaint to the family members of the petitioner they started assaulting the informant and his wife. The Surpanch intervened into the matter and saved the informant.

Submission is of false implication and that the



petitioner has not committed any overtact, the daughter of the informant is of quarreling nature, the petitioner did not help her in cutting the green grass resulting this false case, other co-accused have been granted anticipatory bail, vide Cr. Misc. No. 1659 of 2017, by this Court and the petitioner has been granted benefit of section 41 (1) of the Cr.P.C. and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the case of the petitioner is on different footing than those accused who have been allowed bail.

In the facts and circumstances as stated above, the petitioner is directed to appear before the learned court below and seek regular bail as he has already been allowed privilege of section 41 (1) of the Cr.P.C and in that case the learned court below shall consider his prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any misuse of privilege of bail.

Accordingly, this Criminal Miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J)

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