

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50357 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -ROSHANGAANJ District- GAYA

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1. Rakesh Kumar @ Rocky Son of Vijay Prasad, R/o Village- Kurmawan,
P.S.- Barachatti, Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sriram Krishna, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 08-12-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Roshanganj (Baanke Bazaar) Police Station Case No. 44 of 2017, disclosing offences under Sections 120(B), 376/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner has submitted the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the petitioner happens to be husband of the informant has falsely been implicated in this case. As a matter of fact, the petitioner performed marriage with the informant on 25.03.2017 which is evident from annexure-2.



Moreover this fact has also been supported by the investigation officer as well as Sarpanch, which is evident from annexure-3 and 4. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. Hence, the petitioner who is of clean antecedent deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-1st-cum- Special Judge, (POCSO Act, Gaya, in connection with POCSO Case No. 26 of 2017 arising out Roshanganj (Baankey Bazaar) P.S. Case No. 44 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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