

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7474 of 2018

Arising Out of PS. Case No.-41 Year-2017 Thana- MAHILA P.S. District- Muzaffarpur

Sudhir Kumar Rai @ Sudhir Kumar @ Petua, S/o Umesh Rai, Resident of Village- Ghanshayampur, P.O.- Ghanshayampur, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Mahila P.S. Case No. 41 of 2017, instituted for the offence under Sections 376,511,504,506 of the IPC and Section 8/10 of POCSO Act, 2012.

Learned counsel for the petitioner has submitted that occurrence is alleged to have taken place on 17.06.2017 and FIR was lodged on 20.06.2017. The victim girl in her statement recorded under Section 164 Cr.P.C., has stated different story from the written report.

In the written report, it is alleged that on the date of occurrence while she had gone to graze the buffalows, this



petitioner caught hold her from behind and pushed her down on the ground and after removing her pant tried to commit illegal act with her. She raised alarm, then this petitioner fled away after giving teeth bite to her. The statement of victim girl was recorded under Section 164 Cr.P.C., which is available at paragraph 33 of the case diary, wherein, she has stated that this petitioner tried to commit illegal act with her by attempting to open her pant, then she raised alarm, and the petitioner fled away. The statement is different from the statement made by the victim in her written report.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No. 41 of 2017, to the satisfaction of the learned 1st Additional Session Judge-cum-Special Judge, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions (bailors should be local having sufficient immovable property



within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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