

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6497 of 2018

Arising Out of PS.Case No. -356 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Anil Kumar, Son of Ramayan Mukhiya, resident of Village- Bekhabra,
Ward No. 7, Police Station- Majhuliya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Majhauiliya PS case no. 356 of 2017 registered

for the offences punishable under Section 376 and other sections

of Indian Penal Code and Section 4 of POCSO Act.

The victim girl has alleged that the petitioner herein

had promised to marry her and *in lieu* thereof, established physical

relationship with her, however, subsequently when the father of

the victim girl had gone to the father of the petitioner for having

talks regarding the marriage, the informant side was assaulted by

the petitioner herein and others.



The learned counsel for the petitioner submits that though there may be some allegation of establishing physical contact with the victim girl but in her statement under Section 164 Cr.P.C., the victim girl has not alleged any sexual abuse on the part of the petitioner herein. It is further submitted that the story as propounded in the FIR is belied. The petitioner is said to be having a clean antecedent.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 1st Addl. District & Sessions Judge-cum-Special Judge, Bettiah (West Champaran) in connection with Majhauiliya PS case no. 356 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner shall join investigation and would be present at the place where the investigating agency directs the petitioner to be present. It is



clarified that if the prosecution finds that the petitioner is not cooperating in investigation then it would be free to move this Court for cancellation of the bail. It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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