

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43894 of 2018

Arising Out of PS.Case No. -430 Year- 2014 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Mithu Kumar son of Ashok Kumar Gupta @ Ashok Kumar resident of village - Kalibagh Chowk, Ward No. 12, P.S. - Bettiah Town, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-07-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Bettiah Town P.S. Case No. 430 of 2014, registered for offences punishable under Sections 341, 323, 447, 448, 354-B and 506/34 of the Indian Penal Code and 8 of the Protection of Children from sexual Offences Act, 2012 (POCSO) Act.

As per F.I.R. the petitioner is named in the F.I.R. and allegation against the petitioner is that the petitioner assaulted the sister and mother of the informant.

Submission of the learned counsel for the petitioner is that the main allegation against the other co-accused and more over, one of the co-accused has been granted bail by this Court



vide order dated 03.03.2015 passed in Cr. Misc. No. 46040 of 2014.

Heard learned A.P.P., who opposes the prayer for bail stating that the petitioner is named in the F.I.R. and the case is of the year, 2014 and as such the petitioner does not deserve ground of bail.

However, in the facts and circumstances, I am not inclined to grant bail to the petitioner and if the petitioner surrenders before the Court below and makes prayer for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

With this observation, this application is disposed of, if possible on the same day.

(Vinod Kumar Sinha, J)

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