

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10211 of 2019

Arising Out of PS. Case No.-323 Year-2018 Thana- GOGRI District- Khagaria

MITHALESH YADAV, Son of Manoj Yadav Resident of Village -
Lakshminiya, P.S.- Gogri (Paura), Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 10-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Gogari (Paura) P.S. Case no. 323 of 2018, registered under
Sections 376, 511, 323, 341, 504, 506 and 307/34 of the Indian
Penal Code, Section 27 of the Arms Act and Section 18 of the
POCSO Act.

The accusation is that in the evening of
28.09.2018, the informant had gone to attend the call of nature.
At that time, petitioner tried to outrage her modesty on the
point of three nut and attempted to commit rape, thereafter,
informant, anyhow, escape from there and reached house and
narrated the incident to her father. When parents of the
informant went to the house of petitioner, then informant along
with her parents were assaulted by the petitioner and his
parents.



Learned counsel for the petitioner submits that, in fact, she goat of the informant entered into the house of petitioner due that reasons, the hot talks were exchanged between the parties, but with ulterior motive the present case has been filed making allegation of outrage the modesty of the informant. Further submission is that the allegation against the petitioner to cause head injury by means of butt of the three nut to the head of mother of informant, but the injury as found on the person of mother of the informant is simple in nature, while the injury found on the leg of mother of the informant is of grievous, which is not attributed against the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-I-cum-Special Judge, Khagaria in connection with Gogari (Paura) P.S. Case No. 323 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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