

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20335 of 2019

Arising Out of PS. Case No.-208 Year-2018 Thana- BAHERI District- Darbhanga

JITENDRA KUMAR @ JITENDRA LALDEO, aged about 19 years, Male,
Son of Mantun Laldev, Resident of Village - Naudega, P.S.- Baheri, District –
Darbhanga ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Adv.

For the Opposite Party : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

3 01-08-2019

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Baheri
P.S. Case No. 208 of 2018 for the offences alleged under Sections 341,
323, 377 and 34 of the Indian Penal Code and 4 and 6 of the Protection
of Children from Sexual Offences Act, 2012.

The accusation is that Mankhush Kumar, aged about 12
years, son of the informant, Ravindra Lal Deo, was forcibly taken by
Jitendra Lal Deo (petitioner) and Rahul Lal Deo and committed
sodomy on him on giving threatening to kill him. Thereafter, son of the
informant reached at the house and narrated the incident. At that time
petitioner and Rahul Lal Deo also came at the house and handed over
the nicker of the son of the informant. He could not lodge the first
information report within time due to approach of the Panches.

Learned counsel appearing for the petitioner submits that in
fact the petitioner and other co-accused, due to land dispute, have
falsely been implicated in this case. Further submission is that while



informant has stated in the fardbeyan that his son narrated about commission of sodomy by the petitioner and other co-accused, but, the victim, the son of the informant, in his statement has only stated about carrying for the purpose of sodomy, but, due to quarrel of the petitioner and the co-accused, he fled away.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Baheri P.S. Case No. 208 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I-cum-Special Judge (POCSO Act), Darbhanga, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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