

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24050 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

MAHESH KUMAR Son of Jai Narayan Prasad @ Jainandra prasad Resident
of Village - Bakhari, P.S.- Baikunthpur, Dist.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 15-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Baikunthpur P.S. Case No. 277 of 2018 for the offence under Sections 341, 342, 323, 354(B) and 506/34 of the Indian Penal Code and Sections 8/10 of the POCSO Act.

There is allegation in the First Information Report that the accused persons, including the petitioner, three in number, attempted to outrage the modesty of the informant when she was alone. There is allegation of kidnapping also, with ill motive.

Learned counsel appearing on behalf of the petitioner has submitted that statement of the victim has been recorded under Section 164 of the Cr.P.C. and there is contradiction between her written statement, which is the basis for registration of the First Information Report, and the statement recorded under Section 164 of the Cr.P.C.



I do not find much force in the said submission. There may be slight variance in her statement under Section 164 of the Cr.P.C., but the statement supports the prosecution version as narrated in the First Information Report.

Considering the seriousness of the allegation, I am not inclined to grant the petitioner privilege of anticipatory bail. This application is accordingly rejected.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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