

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52016 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- MAJHAULIA District- West Champaran

VIKASH PATEL, Son of Ramesh Patel @ Ramesh Raut Resident of Village -
Bhagahawa, P.S.- Majhauria, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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

ORAL ORDER

2 21-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Majhauria P.S. Case no. 46 of 2019, registered under
Sections 363, 366, 354(b)(c),(d)/34 of the Indian Penal Code
and Section 7, 8, 18 of the POCSO Act.

The accusation is that informant was returning
from marriage ceremony along with the petitioner and Jhunnu
boarding on motorcycle. In the way, a Bolero vehicle came
near the motorcycle then petitioner stopped the motorcycle
near the tractor and petitioner along with Jhunnu fled away. In
the meantime, informant conceal herself beneath the tractor,
but four persons got down from the Bolero and caught hold the
informant then she raised alarm and villagers reached there,



thereupon, all the four persons started fleeing, but on chase, one was apprehended, who disclosed his name Saheb Kha and he also disclosed the name of his three associates as Mir Wasim, Etullah and Chhotu. The vehicle was found in the name of Wasim. It is alleged by the informant that she had proceeded without giving any information to any person with the petitioner and Jhunnu for the purpose of marriage.

Learned counsel for the petitioner submits that on bare perusal of the F.I.R. it would appear that four persons, who were boarded on the Bolero vehicle caught hold forcibly to the informant. But in the F.I.R. it is detailed in small letter that informant proceeded without giving any information to anyone with the petitioner and Jhunnu for the purpose of marriage. Further submission is that, in fact, initially, the petitioner was shown as witness in this case, but the I.O with ulterior motive made the petitioner and Jhunnu as accused in this case. The petitioner has no criminal antecedent.

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-
cum-Special Judge, Bettiah, West Champaran in connection
with Majhaulia P.S. Case No. 46 of 2019, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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