

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55898 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- BHAPTIAHI District- Supaul

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RUPESH THAKUR @ RUPESH KUMAR THAKUR Son of Ranjit Thakur
Resident of Village - Sahpur Prithwi Patti, P.S.- Bhaptiyahi, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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

ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with POCSO Case No. 20 of 2019, arising out of Bhaptiyahi
P.S. Case no. 37 of 2019, registered under Sections 341, 323,
354(B), 379, 307, 504 and 506 of the Indian Penal Code and
Section 7 of the POCSO Act.

The accusation is that in the evening of
22.04.2019, minor daughter of the informant Shankar Thakur
was moving on his door, at that time, petitioner in drunken state
started pulling his daughter towards bamboo clamps. The
daughter of the informant made alarm then informant along
with his wife and sons reached there and saw petitioner was
making attempt to commit rape upon his daughter. On seeing



the informant petitioner along with 3-4 others fled away towards their house. Thereafter, villagers reached there then petitioner along with his father Ranjit Thakur and others caused injury to villager Rajesh Thakur through sharp cutting weapon. At that time, they also assaulted informant, his wife and his two sons through lathi.

Learned counsel for the petitioner submits that, in fact, occurrence took place due to dispute of path in which petitioner's side also sustained injury regarding which Bhaptiyahi P.S. Case No. 38 of 2019 was also instituted on the basis of fardbeyan of Kanchan Devi, mother of the petitioner against the informant and others. Further submission is that only to put undue pressure the informant got managed to lodged the present case with false allegation of making attempt to commit rape upon the daughter of the informant. Moreover, out of four injuries as found on the person of Rajesh Thakur, three injuries are simple in nature and one is grievous.

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 Additional Sessions Judge-I, Supaul in connection with POCSO Case No. 20 of 2019, arising out of Bhaptiyahi P.S. Case No. 37 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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