

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58703 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- BHAWANIPUR District- Purnia

Amarjeet Kumar S/o Late mahendra Chaudhary Resident of Village- Birniya,
P.S.- Bhawanipur, District- Purnea. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Bhawanipur P.S. Case No. 95 of 2019 (Special POCSO Case No. 42 of 2019), registered under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

The allegation against the petitioner, as per FIR lodged by the father of the victim girl, is that on date of occurrence i.e. 11.06.2019, while the victim girl was returning home after purchasing vegetable from the market, she was intercepted by the petitioner and took her to the roof of the school and committed rape upon her.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics inasmuch as the statement of victim girl has been recorded by the learned Magistrate under Section 164 of Cr.P.C. and the same has been annexed as Annexure-2 of this



application.

Learned counsel for the petitioner placing reliance on annexure-2 submits that the victim girl has not stated anything against the petitioner and has categorically stated that no rape was committed upon her.

After having heard learned counsel for the parties and taking into consideration the fact that the victim girl has not stated anything against the petitioner in the statement recorded under Section 164 of Cr.P.C., I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge POCSO Act, Purnea in connection with Bhawanipur P.S. Case No. 95 of 2019 (Special POCSO Case No. 42 of 2019); subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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