

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81400 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

BHOLA TANTI @ ARVIND KUMAR Son of Arjun Tanti @ Arjun Prasad
Tanti Resident of Village - Kutubganj, P.S- Mojahidpur (Babarganj), Distt -
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Ajit Kumar

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

ORAL ORDER

5 10-11-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection
with Mojahidpur (Babarganj) P.S. Case no. 109 of 2019,
registered under Sections 341, 323, 354 and 354(B)/34 of the
Indian Penal Code and Sections 8 and 18 of the POCSO Act.

The accusation is that on 17.04.2019 at about 2.00
A.M., in the night, the informant/victim aged about 17 years
moved from house to attend call of nature in the field. In course
of attending the call of nature, her neighbour Bhola Tanti
(Petitioner) came there and caught hold her with bad intention
and pressed her mouth and took her at his poultry farm, where
he tried to commit rape, but on raising alarm, her father
Kuldeep Tanti and mother Pinki Devi rushed there and,



thereafter, she was saved. At that time, Bhola Tanti started to cause assault to her parents giving threatening. Thereafter, her parents went at the house of petitioner, where his family members also started to cause assault to her father.

Learned counsel for the petitioner submits that, in fact, at the time of alleged occurrence Pappu Tanti, brother of informant/victim entered in the poultry farm of the petitioner for committing theft of chicken, but he was caught hold and Panchayati was also arranged, but on the request of the parents of the informant of the present case, the brother of informant/victim was set free, but later on, only to give undue pressure, the parents of the informant/victim managed to lodge the present case after five days of the alleged occurrence. Further submission is that while the informant has detailed her age 17 years in the F.I.R., but according to the Certificate issued by In-Charge Headmaster, Middle School, Kutubganj, Nagar Nigam, Bhagalpur the date of birth of informant/victim is 15.02.2001, accordingly, at the time of occurrence, the informant/victim was aged about more than 18 years and this fact has also detailed in paragraph 21 of the case diary.

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 learned Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case no. 109 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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