

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81217 of 2019**

Arising Out of PS. Case No.-138 Year-2019 Thana- SHAMBHUGANJ District- Banka

MUNESHWAR SAH @ MUNESHWAR DAS Son of Sukhdeo Sah Resident
of Village - Khangah, P.S.- Shambhuganj, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 14-02-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 109,376,511 and 120B/34 of the IPC and Section 8 of the POCSO Act.

It is alleged against the petitioner that he tried to ravish the informant at the instance of co-accused Munni Devi.

It is submitted by learned counsel for the petitioner that in the Statement under Section 164 of the Cr.P.C., the victim has not alleged any attempt by the petitioner of committing rape. Similar was the stand of the victim in Complaint Case No. 997 of 2019 filed against her uncle and the police officers. It is further submitted that the victim also did not allege that the petitioner tried to ravish her. Moreover, there is no injury report on record. Statement has been made in paragraph 3 of the



petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is accusation against the petitioner in the FIR.

Considering the statement of the victim under Section 164 of the Cr.P.C. where she did not allege any attempt of rape against the petitioner coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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), Banka in connection with Shambhuganj P.S. Case No.138 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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