

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85415 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- TARAPUR District- Munger

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MITHUN CHOUDHARY Son of Late Bablu Choudhary Resident of Village -
Urdu Chowk (Tarapur), P.S.- Tarapur, Distt – Munger.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Chhoti Kumari D/o Pramod Mandal Resident of Village - Dhobiya Pokhar,
P.S.- Tarapur, Distt - Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary Mr. Raj Kumar Choudhary Mr. A. Ankit
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2020 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Tarapur P.S. Case No. 57 of 2019, G.R. No. 903 of 2019, POSCO No. 17 of 2019 registered for the offence punishable under Sections 323, 376 of the Indian Penal Code and Section 8(112) of the POCSO Act.

The allegation is regarding the petitioner having tried to commit rape upon the informant of this case.

The learned counsel for the petitioner has referred to the



statement made by the informant under Section 164 Cr.P.C. before the learned Magistrate wherein she has categorically stated that a false case has been filed at the behest of her father and since she does not know to read and write, she could not read the contents of the complaint petition. In the aforesaid statement, it has been further stated by the informant that the petitioner had not engaged in any untoward incident with her and had also not misbehaved with her and a small quarrel had taken place, however, the informant intends to keep good relationship with the petitioner. The petitioner is stated to be having a clean antecedent.

Having regard to the facts and circumstances of the case and considering the statement made by the complainant / informant under Section 164 Cr.P.C. before the learned Magistrate, this Court deems it fit and proper to grant anticipatory bail to the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Munger in connection with Tarapur P.S. Case No. 57 of 2019,



G.R. No. 903 of 2019, POSCO 17 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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