

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23003 of 2021

Arising Out of PS. Case No.-452 Year-2020 Thana- PURNEA SADAR District- Purnia

1. MITHLESH MEHTA @ MITHLESH KUMAR MEHTA SON OF GHANSHYAM MEHTA R/O VILLAGE- CHANDI KATHWA, P.S.- SADAR MUFASIL RANI PATRA DISTRICT- PURNIA.
2. PANKAJ MEHTA SON OF GHANSHYAM MEHTA R/O VILLAGE- CHANDI KATHWA, P.S.- SADAR MUFASIL RANI PATRA DISTRICT- PURNIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Prasoon
For the Opposite Party/s : Mr.A.PP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners seek bail in connection Sadar (Muffasil) P.S. Case no. 452 of 2020 registered for the offence punishable under sections 376, 511 of the Indian Penal Code read with sections 8 and 12 of the POCSO Act, said FIR is arising out of Complaint case no.39/2019.

Learned counsel for the petitioners at the outset submits that petitioners are persons with clean antecedent, are in custody since 24.12.2020 and charge sheet has been submitted. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that Dolly



Kumari has alleged that on 13.10.2019 accused persons including petitioners abducted her and she was taken to village Kumhri Kadwa and on reaching village Kadwa Mithlesh Mehta (petitioner no.1) put Sendur on her forehead and attempted to commit rape after removing cloth of the informant. It is next alleged that in the meantime, police patrolling came and seeing the police, persons including the petitioners fled away and the police handed over the complainant to her father. It is next alleged that on 05.11.2019 complainant was in her house and her father and mother were not present, in the meantime, both petitioners came and assaulted the informant and asked her to accompany them as she has been married to petitioner no.1. Accordingly, present case was instituted. He further submits that from perusal of the allegation as alleged in the FIR, it would manifest that first occurrence took place on 13.10.2019 but no FIR was instituted, thereafter, second occurrence on 05.11.2019 wherein it is alleged that petitioners came, assaulted and threatened. Thereafter, present complaint came to be instituted. Learned counsel has specifically pleaded at para 12 of the petition with respect to para 50 of the case diary wherein Kadwa police has not supported the case of the informant that she ever came to the police station and was handed over to the father



after occurrence which is alleged to be committed on 13.10.2019.

Learned APP vehemently opposed the prayer for bail.

Considering the facts that no FIR came to be instituted after first occurrence and as far as second occurrence is concerned, allegation of assault and threat is only to fill up gap in between two occurrences and since petitioners are in jail custody, charge sheet has been submitted and petitioners are persons with clean antecedent, the petitioners are directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-cum- Special Judge, POCSO, Purnea in Sadar (Muffasil) P.S. Case no. 452 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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