

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32936 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAHILA PS District- Katihar

1. PUKAR THAKUR @ RAM PUKAR THAKUR S/o Bishundeo Thakur Resident of Fulbariya Chowk, P.S.- Korha, District- Katihar.
2. Manoj Kumar Thakur S/o Pukar Thakur @ Ram Pukar Thakur Resident of Fulbariya Chowk, P.S.- Korha, District- Katihar.
3. Ashutosh Kumar Thakur S/o Pukar Thakur @ Ram Pukar Thakur Resident of Fulbariya Chowk, P.S.- Korha, District- Katihar.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Bhola Prasad, Advocate.
For the State	:	Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 07-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 09.06.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Pukar Thakur alias Ram Pukar Thakur, and the petitioner no.3, namely, Ashutosh Kumar Thakur, have already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Pukar



Thakur alias Ram Pukar Thakur, and the petitioner no.3, namely, Ashutosh Kumar Thakur, for granting them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Pukar Thakur alias Ram Pukar Thakur, and the petitioner no.3, namely, Ashutosh Kumar Thakur.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Pukar Thakur alias Ram Pukar Thakur, and the petitioner no.3, namely, Ashutosh Kumar Thakur, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Manoj Kumar Thakur, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Manoj Kumar Thakur, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Manoj Kumar Thakur, apprehends his arrest in connection with Mahila P.S. Case No.21 of 2020 registered under Sections 376, 342 and 341 of the Indian Penal Code besides Section 4 of the POCSO Act.

The accusation is that in the evening of 27.09.2020,



Manish Thakur, the neighbour of the informant Prayag Sah, seeing the daughter of the informant at a lonely place tried to outrage her modesty and on the point of knife, committed rape on her. Thereafter, Manoj Kumar Thakur (petitioner no.2) and Ashutosh Kumar Thakur, kept the daughter of the informant at their house for about 18 hours and she was set free on search of the villagers in course of her search.

Learned counsel for the petitioner no.2, namely, Manoj Kumar Thakur, submits that it would appear from the F.I.R. that the allegation of committing rape on the daughter of the informant is against Manish Thakur, who is the brother of the petitioner no.2, namely, Manoj Kumar Thakur, due to that reason, the petitioner no.2, namely, Manoj Kumar Thakur, and his brother Ashutosh Kumar Thakur have falsely been implicated in this case. Further submission is that in her statement recorded under Section 164 of the Code of Criminal Procedure, the daughter of the informant has made allegation of committing rape on her against Manish Thakur, the brother of the petitioner no.2, namely, Manoj Kumar Thakur, and keeping her in his house by him for about 18 hours. She has not stated anything against the petitioner no.2, namely, Manoj Kumar Thakur.



Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Manoj Kumar Thakur, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-VI-cum-Special Judge, Katihar, in connection with Mahila P.S. Case No.21 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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