

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7039 of 2022

Arising Out of PS. Case No.-318 Year-2019 Thana- CHAUSA District- Madhepura

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Kshitij Kumar Arya Son Of Radheshwar Malakhar Resident Of Village-
Ambadi Road, Vidya Mandir Marg, Wasai, West P.S./ District- Palghar,
Maharashtra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 376, 511, 379 of the Indian Penal Code
and 8 of POCSO Act.

The prosecution allegation, in short, is that the petitioner
tried to commit rape upon the informant and thereafter married with
her in Mandir and left her

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner



has falsely been implicated in the present case. From the F.I.R., it appears that the petitioner after getting married with the victim had left her. The petitioner submits that no such marriage was solemnized between the petitioner and the victim. The alleged occurrence is said to have taken place on 6.11.2019 for which F.I.R. was instituted on 18.11.2019. The delay has not been explained by the prosecution. The prosecution story appears to be doubtful.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum- Special Judge, POCSO, Madhepura in connection with Chausa P.S. Case No. 318 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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