

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9187 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- ROSHANGANJ District- Gaya

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1. ABHISHEK KUMAR SON OF BACHAN CHOUDHARY @
RAMBACHAN CHOUDHARY R/O VILLAGE- ITAWAN, P.S.-
ROUSHANGANJ, DISTRICT- GAYA
 2. PHOOLCHAND CHOUDHARY @ DULCHAND CHOUDHARY SON OF
MAHESHI CHOUDHARY R/O VILLAGE- ITAWAN, P.S.-
ROUSHANGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anil Kumar Saxena
For the Opposite Party/s :	Mr. J.N. Thakur
	Mr. Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-09-2022 Learned counsel for the petitioners is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioners and learned
counsel for the informant.

At the outset, learned counsel for the petitioner has
submitted that during the pendency of this anticipatory bail
application, petitioner no.2 has been arrested and, as such, the
same has become infructuous. He, therefore, seeks permission
to withdraw this application as against petitioner no.2.

In view of the aforesaid submission, the application is



dismissed as withdrawn as having become infructuous as against petitioner no.2.

Petitioner no. 1 apprehends his arrest for the offences alleged under Sections 341, 323, 354, 354(A), 504 and 506 of the Indian Penal Code and Section 8/12 of POCSO Act, registered in connection with Roushanganj P.S.Case No. 42 of 2020.

As per allegation, the accused persons including the petitioner, who were already in ambush, forcibly caught the minor daughter of the informant when she was returning home after easing herself. They gagged her mouth and after touching her private genitals, they threatened to kill her. When she raised hue and cry, they fled away.

Learned counsel for the petitioners has submitted that both the parties have compromised the case.

On the other hand, Mr. J.N.Thakur, learned APP has submitted that the victim is minor. The case has also been registered under the provisions of POCSO Act. The victim in her statement under Sections 164 and 161 of the Cr.P.C. has stated the complicity of the petitioner.

In my view, it is not a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the petitioner is



hereby rejected.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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