

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9500 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- KHODAWANDPUR District- Begusarai

PAPPU MAHTO SON OF SHANKAR MAHTO RESIDENT OF VILLAGE-
SIRSI, WARD NO. 9, P.S.- KHODAWANDPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 511 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant, who is minor, but was married four months ago to Raju Kumar, alleges that 24.10.2021 at 1:30 PM, when she was sleeping with her three sisters on the verandah then petitioner entered quietly and tried to commit rape and touched her inappropriately at many places but could not succeed in his intentions, it is next alleged that even threatened not to disclose the occurrence to anyone.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the date of occurrence is 24.10.2021 and the FIR came to be instituted on 28.10.2021 and the reason for delay has been assigned as that informant's mother and aunt were not present when the occurrence took place.

Learned counsel for the petitioner next submits that from perusal of allegation as alleged in the FIR, it would manifest that the allegation does not inspire confidence, as it absolutely does not stand to reason that the petitioner came in the house with an intention to rape and the informant did not raise any alarm, the learned counsel further submits that on intervention of the well-wishers, the parties have compromised the case as would be evident from Annexure-2 to the anticipatory bail application.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khodawandpur P.S. Case No. 240 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bonds shall verify as to whether the compromise entered in between the parties is genuine or not and, in the event, if it is found that the compromise is not genuine then the present anticipatory bail application shall not be acted upon.

(Satyavrat Verma, J)

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