

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26761 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- CHAORI District- Bhojpur

RAKESH BAITHA, aged about 26 years, Male, Son Of Kamlesh Baitha,
Resident of Village - Andhari, P.S.- Chauri, Distt.- Bhojpur at Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shankar Kumar, Advocate
For the Opposite Party : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Chauri P.S. Case No. 48 of 2020 for the offence registered
under Sections 376, 201, 120(B) of the I.P.C. and Sections 8 and
10 of the POCSO Act.

The prosecution story, in brief, is that the petitioner
established physical relationship with the victim.

After some argument, learned counsel for the
petitioner seeks permission to withdraw the present anticipatory



bail application in light of the amended provisions of law. The present anticipatory bail application is not maintainable in light of Section 438(4) Cr. P.C.

Permission is accorded.

Considering the same, the present anticipatory bail application stands dismissed as not maintainable in connection with POCSO Case No. 110/2020, arising out of Chauri P.S. Case No. 48 of 2020, pending in the court of learned Additional Sessions Judge-VIth, Bhojpur at Ara.

The petitioner is at liberty to approach the court below for his regular bail. If any such application is made on behalf of the petitioner, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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