

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24019 of 2022**

Arising Out of PS. Case No.-38 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BITTU KUMAR S/o Ashok Tanti Resident of Village- Lakho Bhagwanpur,
P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Manoj Kumar

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

ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned counsel for the State.

The petitioner apprehends his arrest for the

offences alleged under Section 363 of the Indian Penal Code

and Section 12 of the POCSO Act, registered in connection with

Complaint Case No. 38C/2020 (POCSO Case No. 04C/2021).

The prosecutrix is a minor girl. She made

allegation that on 07.03.2020 at about 2.00 A.M.(midnight) she

awoke after hearing the knock at her door. When she opened the

door, she saw the petitioner standing. He dragged her and



gagged her mouth with his hand and with the help of other accused persons forcibly seated her on a vehicle. The petitioner brought her to Orissa at the house of his maternal uncle and committed rape upon her on several occasions. On 16.03.2020, the prosecutrix was brought to Begusarai and there also the petitioner had physical relation with her. On 2.10.2020, the accused persons brought the prosecutrix to the house of *sarpanch* and they obtained her signature after threatening her. They also threatened to kill the prosecutrix had she dared to file case(s) against the accused persons.

The learned counsel for the petitioner has submitted that he has falsely been implicated in this case. The statement of the *sarpanch* has not been recorded in this case.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail.

The prosecutrix is a minor girl. She made specific allegation against the petitioner that after kidnapping her he sexually exploited her.

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

Office shall ensure that all defects are removed by



the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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