

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37158 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Sitamarhi

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MOSMAT SITA DEVI W/O LATE SHUKLU SINGH R/O VILLAGE-
CHAINPURA, WARD NO 10, P.S-RIGA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-06-2022 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 Section 376 of the Indian Penal Code read with Sections 4 and 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 19.06.2020 at 8:00 pm, while she was returning home from her father's grocery shop, the petitioner met her and asked her to accompany her to the grocery shop of Chandra Bhushan Singh, accordingly she went to the shop of Chandra Bhushan Singh where there were no customers and thereafter



the petitioner caught her and pushed her into the room next to the shop and Chandra Bhushan Singh made her unconscious by making her inhale some intoxicant and thereafter raped her several times.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the date of occurrence is 19.06.2020 and the F.I.R. was instituted after an inordinate delay of nearly three months i.e., on 14.09.2020 and even the police after investigation submitted final form in favour of the petitioner but the learned court below differed with the final form and took cognizance.

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 and the fact that there was an inordinate delay in instituting the F.I.R. and the police had submitted final form in favour of the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below



where the case is pending/successor court in connection with
Sitamarhi Mahila P.S. Case No. 28 of 2020 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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