

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57071 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- MAHILA P.S. District- Madhubani

MITHILESH THAKUR @ MITHLESH KUMAR THAKUR SON OF
JEEVACHH THAKUR R/O VILLAGE- BHOURGHAT, BHOUR, P.S.-
PANDAUL, DIST.- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-09-2022 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, 323, 341, 504, 506 and 34 of the Indian Penal Code and under Section 4 and 6 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case based on a land dispute as would be evident from Annexure-2 to the anticipatory bail application, it is next submitted that the informant alleges that on 15.05.2021 at 12 noon, when she had taken her goats for grazing when the petitioner all of a sudden came and caught her from behind and



dashed her on the ground and thereafter established physical relation, it is next alleged that thereafter the petitioner threatened the informant not to disclose the occurrence to anyone, it is further alleged that the informant thereafter returned home after the goats had grazed in the field and then she disclosed the occurrence to her family members.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that there is a delay of seven days in instituting the FIR, as the date of occurrence is 15.5.2021 and the FIR had been instituted on 22.05.2021, it is further submitted that the uncle of the informant, namely Mangal, was having dispute relating to land with the father of the petitioner for which even a Panchayati was held, as would evident from Annexure-2, but the uncle of the informant did not adhere to the terms and condition of the Panchayati, it is also submitted that it absolutely does not stand to reason that if the informant would have been raped as alleged then she would have rushed back home after the occurrence but in the FIR itself she stated that she came back after getting the goats grazed, which amply demonstrates the falsity of the allegation, it is also submitted that even the injury report does not even remotely suggest that any kind of sexual



violence was committed with the informant.

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 Mahila P.S. Case No. 39 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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