

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67412 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

VIKASH KUMAR Son of Chandeshwar Sahni @ Taini Sahni Resident of
Village - Basant Khatauna, P.S.- Kurhni (Turki O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

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

ORAL ORDER

4 22-09-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 31 of 2020, registered for the offences
punishable under Sections 341, 342, 323, 504, 376(AB)/34 of the
Indian Penal Code and Section 4 of the POCSO Act.

When the prosecutrix was coming to her house all of
sudden it became raining with storm. She took shelter in temple of
Bhola Baba, co-accused Rupesh Kumar was already there. When the
rain stopped the prosecutrix proceeded to her home. Rupesh kumar
followed her and all of sudden he caught her hold and after
overpowering her committed rape upon her. The allegation against



the petitioner who is brother of Rupesh Kumar, is that he threatened and abused the prosecutrix when she went to complain to the house of the accused persons.

Learned counsel for the petitioner has submitted that allegation of rape is not against the petitioner rather it is against Rupesh Kumar, the brother of the informant and the petitioner is a person of clean antecedent.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Muzaffarpur in connection with Mahila P.S. Case No. 31 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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