

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27969 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. BISHWAJEET GUPTA Son of Vijay Gupta @ Vijay Sah Resident of village-Lagunaha Patilar Bazar, Ward No. 12, Police Station-Chautarwa, District-West Champaran
 2. RAJA GUPTA Son of Vijay Gupta @ Vijay Sah Resident of village-Lagunaha Patilar Bazar, Ward No. 12, Police Station-Chautarwa, District-West Champaran
 3. CHANDAN KUMAR Son of Prit Kishan Paswan Resident of village-Lagunaha Patilar Bazar, Ward No. 12, Police Station-Chautarwa, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 30-08-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Bagaha (Mahila) PS case no. 48 of 2022, registered for the offences punishable under Section 376 and other allied sections of the Indian Penal Code and Section 8 of POCSO Act.
3. The allegation is regarding the accused persons including the petitioners herein having cornered the informant, when she had gone out of her house for attending nature's call



and then they had tried to commit rape with her, however when she raised alarm, they had thrown her in front of a vehicle, which was coming from the main road, resulting in her getting injured.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has submitted by referring to Annexure-2 to the present petition that the police, upon investigation, had found the alleged incident to be un-true and had therefore, submitted a final form dated 17.05.2022, thus, *prima facie*, the petitioners are not having any complicity in the matter.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the police, upon investigation, had found the alleged incident to be un-true apart from the fact that the petitioners are having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the



privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of 7th A.D.J.-cum-Special Judge, POCSO, Bettiah (West Champaran) in connection with Bagaha (Mahila) PS case no. 48 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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