

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.28093 of 2023**

Arising Out of PS. Case No.-406 Year-2022 Thana- RAFIGANJ District- Aurangabad

BINDU KUMAR @ BINDU MAHTO @ BINDU PRASAD S/O-  
SURYABANSH MAHTO R/O-BAUR, P.S.-RAFIGANJ, DISTT.-  
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

2      19-07-2023                      Heard learned Counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,  
arises out of Bahera Police Station Case No. 256 of 2018,  
disclosing offences under Sections 376 and 511 of the Indian  
Penal Code.

The prosecution case, on the basis of the First  
Information Report, is that on 18.12.2021, the petitioner  
misbehaved with the daughter of the informant for which  
Rafiganj P. S. Case No. 409 of 2021 was lodged by the  
informant. It has further been alleged that on 11.11.2022, when  
the daughter of the informant was going to attend the call of



nature, the petitioner caught hold of her and tried to outrage her modesty. On 12.11.2022, the petitioner and other accused persons abused, threatened and assaulted the informant and on 15.11.2022, while the informant was going towards the market, the petitioner intercepted and snatched cash amounting of Rs. 20,000/- from the informant and assaulted him with fist and slaps.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to the fact that in a case bearing Rafiganj P. S. Case No. 409 of 2021 lodged by the informant, the police had given benefit of Section 41A of Cr.P.C. to the petitioner. He further submits that during the course of investigation, the witnesses have only said that there was some altercation between the informant and the petitioner, prior to the lodging of the First Information Report, but has not supported the prosecution case fully. He next submits that no injury has been caused to the informant.

Having regard to the submissions made on behalf of the parties taking into consideration the material available on record and nature of allegation and the fact that the informant has not sustained any injury, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Bahera Police Station Case No. 256 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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