

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35460 of 2023

Arising Out of PS. Case No.-117 Year-2020 Thana- RAJEPUR District- East Champaran

BITTU DAS Son of Yogi Das @ Yogendra Das Resident of Village- Sonaul,
PS- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 363, 376, 34 of the Indian
Penal Code and Sections 4, 8, 12 of the POCSO Act.

3. As per allegation in the F.I.R., when the informant
was coming from tuition, several accused persons including the
petitioner has kidnapped her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
The allegation levelled against the petitioner is not specific rather
general and omnibus in nature. He submits that for the same
occurrence two F.I.R. was lodged, one by the father of the victim i.e.
Rajepur P.S. Case No. 81 of 2020, in which statement of the victim
was record u/s 164 of Cr.P.C., wherein she has not supported the
prosecution case. Later on the victim herself lodged the F.I.R. i.e.
Rajepur P.S. Case No. 117 of 2020, in which it is alleged that the



petitioner along with other accused persons kidnapped the victim. He further submits that the statement of the victim was recorded in both the cases and there is contradiction in both statements. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, there is specific allegation against co-accused Dilip Kumar, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Rajepur P.S. Case No. 117 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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