

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52257 of 2022

Arising Out of PS. Case No.-14 Year-2019 Thana- SC/ST District- Madhepura

MITHUN KUMAR, Son of Late Jawahar Yadav, R/V- Turkahi, Ward No. 9,
P.s- Madhepura (Bharrahi O.P) Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devki Kumari D/o Yugeshwar Paswan R/V- Turkahi, Ward No. 9, P.S-
Madhepura (Bharrahi O.P), Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-01-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in

connection with POCSO Complaint Case No. 02/2020 arising

out of SC/ST P.S. Case No. 14 of 2019 and POCSO Case No.

27/19 registered for the offences punishable under Sections

341, 376 read with 511 and Section 34 of the Indian Penal

Code and Sections 3(I) (s) SC/ST Act and Section 8 of the

POCSO Act.



As per the prosecution case, the daughter of the informant was going to attend call of nature in the bamboo orchard, the co-accused Neeraj Kumar took the daughter of the informant and the petitioner tied her mouth with a towel and untied her trouser. The petitioner and the co-accused person tried to commit rape with her. In the meantime, she started crying and on hearing of her sound, some villagers came there and the petitioner and the co-accused person fled away from the spot.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. There is no allegation of overt act against the petitioner rather there is superficial allegation against him. During the investigation, the petitioner and others have been exonerated by the police thereafter the cognizance was taken against the petitioner. Learned counsel has further submitted that the main accused namely, Neeraj Kumar who tried to commit rape on the victim has already been granted bail by a Coordinate Bench vide order dated 23.05.2022 passed in Cr. Misc. No. 46661 of 2021. The petitioner has got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- VI-cum-Special Judge, POCSO, Madhepura in connection with POCSO Complaint Case No. 02/2020 arising out of SC/ST P.S. Case No. 14 of 2019 and POCSO Case No. 27/19, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

