

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49593 of 2024

Arising Out of PS. Case No.-658 Year-2023 Thana- MAHUA District- Vaishali

Sanjeet Kumar Son Of Arvind Singh R/O- Village- Mirzapur, P.S.- Mahua,
Distt.- Vaishali

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Krishna Devi Wife Of Naval Giri R/O- Village- Vavan Ghat, P.S.- Mahua,
Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2024 1. 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 offence punishable under Sections 376, 511, 354(B), 379 and 34 of the Indian Penal Code & Sections 8 & 12 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that her minor daughter had gone to attend nature's call but she did not return, a search was made, when she saw her daughter coming, who disclosed that Sanjeet (petitioner), Krishna and Raushan forcibly took her by boat and behaved inappropriately



and even tried to commit rape, when she raised alarm, they brought her back by boat and left after snatching her mobile.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence for the reason that it absolutely does not stand to reason that if the petitioner had taken the victim with an intention to commit rape where was the occasion for them to bring her back by boat near her home. It is also submitted that the statement of the victim was not recorded under section 164 of the Cr.P.C. nor she was subjected to any medical examination. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Mahua P.S. Case No.658/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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