

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76286 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- MADHUBAN District- East Champaran

SHARMA RAI SON OF NAKAL RAI R/O VILLAGE- VISHUNPUR
TARA, P.S.- MADHUBAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 31-07-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Madhuban PS case no. 261 of 2023, disclosing offences punishable under Sections 341, 323, 354(B), 376, 511/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 10.06.2023 at about 9 pm, while the informant was washing her hands after having meal, in the meanwhile, petitioners along with other co-accused took her forcibly near the boring pump and after closing her mouth by clothes, they tried to commit rape and also assaulted the informant.
4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the fact that he is a social worker and used to protest against the illegal trade of



liquor in the village.

5. Learned counsel for the State, referring to statement of the victim girl recorded under Section 164 Cr.P.C. before the learned Magistrate, has submitted that in her statement, the victim has not alleged that the petitioner tried to commit rape on her but has only stated that she was assaulted by the petitioner and others.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 Cr.P.C., I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six 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, East Champaran at Motihari in connection with Madhuban PS case no. 261 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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