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In,



The Court of District & Session's Judge,

Muzaffarpur

A.B.P. No. [REDACTED] /2020

Ref.:- Mahila P.S. Case No. [REDACTED] /2019, dt. [REDACTED].12.2019 U/S  
376 (D)/341/323 I.P.C. and 4/6 Posco Act added  
section 3 (I) (R) (S) 2 (va) SC/ST Act.

**ABC**

Aged about-23 Years, S/o **DEF**

Resident of Village **FGH**,

*Chh*  
District- Muzaffarpur \_\_\_\_\_ Petitioner

*020*  
V/S

STATE OF BIHAR \_\_\_\_\_ O.P.

The humble petition for anticipatory  
bail on behalf of above named  
petitioner most respectfully

SHEWETH:-

1. That, the instant application for anticipatory bail arises on  
an acquisition of having committed a non bailable



That, the petitioner has not filed any application for bail either regular or anticipatory before this court or before any superior court at any time earlier.

That, the case of prosecution in short is that the informant of this case **EFG** aged about 15 years gave her statement in Gyanic ward of SKMCH **YYY** on 10/12/19, which was recorded by S.I. **YZ** P.S. In statement the informant said that she is presently staying at the house of her maternal uncle (Mausa) **PQR** at **WXY** Village under **YZ** P.S. On 09/12/19 as usual she had gone to attend her classes in **XXX** School at **WWW** and at 1 P.M. she left her School for her home. She came on **XY** main road and took an Auto Rickshaw for going to **QXY**. There were 3 passengers in the Auto Rickshaw. The informant **EFG** after reaching **YZ** asked the driver to stop but the other passengers let us go



down near a double storied building and the informant was taken inside a room where she was raped by all three passengers one by one and she was also assaulted on her protest. After the occurrence the informant escaped anyhow. She came on the main road again caught another Auto Rickshaw and went to [REDACTED] QYZ [REDACTED] and thereafter caught another Auto Rickshaw and went to her Mausa's house in [REDACTED] WXY [REDACTED]. She narrated the entire story and stated about the name of one person i.e. [REDACTED] CD [REDACTED]. The informant's parents came and took her to [REDACTED] SKMCH [REDACTED] for treatment.

That, on the basis of her statement a regular case has been instituted in Mahila P.S. vide case No. [REDACTED]/2019 under section 376 (D), 341, 323 I.P.C. & 4/6 Pocso Act and later on sections of SC/ST were also added.

That, in course of investigation police has started chasing the petitioner hence the necessity of anticipatory bail.

That, the petitioner submits that he is innocent and has



✓ That, the petitioner further submits that the story of her going to school and then running away from the school at 1 P.M. is entirely false.

That, on the fateful date of occurrence i.e. on 09.12.19 she never went to school.

2). That, it is also surprising that the so called [REDACTED] [REDACTED] XXX [REDACTED] Vidyalay is situated [REDACTED] WWW [REDACTED] Mohalla from there if she boards an Auto Rickshaw she would certainly come to [REDACTED] Mile and would take another auto rickshaw for going to her home [REDACTED] WXY [REDACTED] and if at all other passengers forcibly tried to take her towards [REDACTED] Chowk then she ought have cried and raised hue and cry and people standing the chowk would have rushed and caught the auto rickshaw and saved her but prefers not to cry and not raise alarm this makes the prosecution story false and fissy.

That, the further story that she was taken to [REDACTED] HIJ [REDACTED] Chowk via [REDACTED] HIJ bus stand is also a doubtful matter. [REDACTED] HIJ [REDACTED]





would have been saved because there is a police T.O.I also at **HIJ** Bus Stand. The further story that she was taken in a lane ahead of **HIJY** and there being raped on the ground floor of a double storied building also appears doubtful because that is not a lonely place rather it is surrounded by house of many persons who live there with their family, nobody of the locality has supported the prosecution version that's why I.O. of the case has not

recorded the statement of **LM** (2) **MIN** (3) **OP** (House Owner) and (4) **PQ** persons from P.O.

That, no allegation has been leveled against the driver of the so called auto rickshaw in which **EFG** travelled up to **HIJ** Chowk. Thus it appears that the driver is a neutral person and a professional auto driver. So if at all some unwanted and some illegal sexual overtact was being done, then certainly the auto rickshaw driver would have stopped his auto and he would have



That, in the gamut of the circumstances your honour will appreciate that the entire case is bundle of lies.

That, it is further submitted that the informant says that she was assaulted by accused persons but no mark of violence or assault has been found on the persons

**EFG** i.

That, the petitioner has got clean past with no criminal history.

That, the petitioner is ready to give bail bond of a reasonable amount and has got local bailors to stand as surety.

That, an affidavit in support of the contents of the application for bail is being annexed herewith.

It is therefore prayed that your honour be graciously pleased to direct that the petitioner shall be released on bail in the event of arrest or surrender before the court.

