

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15734 of 2016

Arising Out of PS.Case No. -176 Year- 2013 Thana -MUSAHRI District- MUZAFFARPUR

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1. Bhushan Thakur (Sarpanch) Son of Late Parmeshwar Sahni, R/o Village Pirmohammadpur, P.S. Ahiyapur, District Muzaffarpur.
 2. Asharfi Paswan, Son of Dhora Paswan, R/o Village Dhobha, P.S. Musahari, District Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Musahari P.S. Case No.176 of 2013 for the offences instituted under Sections 376, 120(B) of the Indian Penal Code and Sections 4, 6, 8, 10, 17, 18 and 21 of the POCSO Act.

The prosecution case, in brief, is that one Sunita Devi, wife of Nagendra Ram gave a fardbeyan before Officer-in-Charge of Mahila P.S. (Thana) alleging therein that on 14.12.2013 at 3 P.M. when she returned at the door of his house taking grass, her daughter aged about 6 years, was weeping very much, on asked by her she has stated that Sunil Bhaia has gave two rupees



and took her in his house and said to see that any one is present or not and when she went to see Sunil also came back and closed the door of the room and lying her on Chowki and by opening her pant committed rape and when she cried, he pressed her mouth tightly and when she began to restless, then he leaved her and said not to say any one. She saw that her pant was blood stained and blood was coming out from her urinal track.

It is submitted on behalf of the petitioners that the petitioners have no criminal antecedent. Petitioners have falsely been implicated in the present case. There is no specific allegation made against the petitioners. The other co-accused have been granted bail vide Cr. Misc. No.30685 of 2014. As far as the petitioner no.2 is concerned, he is a handicapped.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. The other co-accused, who has been granted bail, he is not named in the F.I.R. The allegation of rape, being committed, is against six years old child.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners in connection with Musahari P.S. Case No.176 of 2013 pending in the court of Ist Additional Sessions Judge, Muzaffarpur, the same is rejected. Anyhow, if the petitioners surrender in the court

below, same shall be considered on its own merit without being prejudiced by the order of this Court.

(Sudhir Singh, J)

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