

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51133 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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Avinash Narain @ Raju Mishra son of Sri Dhrub Narain Mishra, resident of
village- Janarh, Jeevajor, P.S. Aurai, District-Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-12-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Mahila P.S. Case No. 105 of 2016 for the offences instituted
under Sections 376 ii (i), 201/34 of the Indian Penal Code and
Sections 4 and 21 of the POCSO Act.

It is alleged that the petitioner made pressure upon the
victim girls, who were being attempted to commit rape by the co-
accused namely Harish Chandra Sah.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner has falsely been implicated in the present case due to
political reason. The petitioner is the husband of the Mukhiya of



the panchayat. No specific allegation has been attributed against the petitioner.

On behalf of the State, it has been submitted that the petitioner tried to put pressure upon the victim girls, who were raped by the co-accused. The anticipatory bail of co-accused namely Babu Saheb Kumar has already been rejected by this Court vide Cr. Misc. No. 51082 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. The same is rejected in connection with Mahila P.S. Case No. 105 of 2016, pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J.)

Amit/-

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