

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30728 of 2016

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

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Mahavir Sahani, son of late Parmeshwar Sahani, resident of village -
Pirmohammadpur, P.S. - Ahiyapur, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mrs. Bela Singh, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for anticipatory
bail in connection with Mushahari P.S. Case No. 176 of 2013, Trial
No. 43 of 2015 for the offences alleged under Sections 376/120B of
the Indian Penal Code and Section 4, 6, 8, 10, 17, 18, 21 of the
POCSO Act which was dismissed for non-prosecution by this Court
by order dated 27.06.2014 in Cr. Misc. No. 4990 of 2014.

3. It is submitted that after investigation by the police,
final form has been submitted which was accepted and the
petitioner had not been sent up for trial. Subsequently, in course of
trial however, summons under Section 319 Cr. P.C., was issued
leading to warrant of arrest against the petitioner, who happens to
be the Mukhiya and was interceding in the '*panchayat*' involving

the offence of rape of a minor girl.

4. Having regard to the nature of accusations and gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

5. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

(Vikash Jain, J)

Md. Ibrarul/Chandran

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