

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28404 of 2017

Arising Out of PS.Case No. -142 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Mantu Yadav Son of Kalika Yadav, Resident of Village- Bhaluhi, P.S. Mohania, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Mohania P.S. case No.142 of 2017 registered under Sections 377, 341, 323, 307, 504/34 of the Indian Penal Code and 4, 8 of the POCSO Act and Section 27 of the Arms Act, pending before the court of Additional Sessions Judge 1st, Kaimur at Bhabua.

The prosecution case, in brief, is that son of informant and his cousin were returning from field of Gram crop and when they reached in Khalihan, the petitioner showing them sweets brought them towards *pual* and committed unnatural offence and consequently anus was damaged. The children came to the house and stated the fact to wife of the informant. When the informant



went to house of petitioner to ask, he assaulted the informant.

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. The case has been instituted after a delay of two days. Delay has not been explained by the prosecution. The medical examination report also does not support the allegations made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and heinous crime is said to have been committed by the petitioner upon minor children. It is not a fit case for grant of anticipatory bail.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

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)

Narendra/-

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