

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3115 of 2017**

Arising Out of PS.Case No. -229 Year- 2014 Thana -AURANGABAD TOWN District-  
AURANGABAD

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1. Anup Kumar @ Nepali Gupta, son of Late Baij Nath Prasad, resident  
of Dharmshala Road, P.S. Nagar, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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With

**Criminal Miscellaneous No.6100 of 2017**

Arising Out of PS.Case No. -229 Year- 2014 Thana -AURANGABAD TOWN District-  
AURANGABAD

- =====
1. Manoj Kumar Gupta @ Manoj Prasad Gupta, S/o Shri Krishna Prasad  
@ Krishna Sah Prasad, resident of village P.O & P.S Karpi Town and  
District Aurangabad (Bihar).
2. Shiv Thakur, S/o Shri Kailash Thakur, resident of Sahpur Akhara, P.O,  
P.S. Town and District Aurangabad, (Bihar).

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

(In Cr.Misc. No.3115 of 2017)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate  
Ms. Babita Kumari, Advocate

For the Opposite Party/s : Mr. Smt. Madhuri Lata

For the Informant : Mr. Santosh Pandey, Advocate

(In Cr.Misc. No.6100 of 2017)

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate

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

For the Informant : Mr. Santosh Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 22-02-2017

Both the applications are taken up together as they  
arise out of the same P.S. case number.

Heard learned counsel for the Petitioners and the  
State.



The Petitioners apprehend their arrest in Aurangabad Town P.S. Case No.229 of 2014 instituted for the offence under Section(s) 341, 323, 354, 354-B, 506, 509/34, 376, 376-G, 120-B Indian Penal Code, Sections 4, 8, 10, 14(I) of the Protection of Children from Sexual Offences Act, 2012, pending before the 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, POCSO Act, Aurangabad.

It is alleged by the victim girl in her written report that while she was returning home two boys passed taunt at her and also caught hold her hand and started to take her to a lonely place. When she raised objection, they started indecent activities and gave threat to pour acid on her face. She named the two boys as Ankit Kumar Gupta and Vishal alias Golu. When the father of the informant-victim went to enquire then he was threatened that his daughter will be lifted and entire family will be killed.

It has been submitted on behalf of the petitioners that the Investigating Officer after investigation submitted Final Report against them but the Court below on the basis of the materials in the case diary found *prima facie* case against the petitioners also along with other accused for the offence under Section(s) 376-D, 504, 506, 120-B Indian Penal Code and Sections 4, 8, 10 and 14(I) of the POCSO Act.



Learned APP has submitted that in course of investigation the victim in her statement under Section 161 Cr. P.C. as mentioned in para 36 as well as in the statement recorded under Section(s) 164 Cr. P. C., has levelled specific allegation against these petitioners of their involvement along with two boys as named in the written report in preparing blue-film of the victim girl. Learned APP has also pointed out that the witnesses in para 34, 35 have also levelled specific allegation against these petitioners of helping the two boys named in the written report in preparing the video of the victim girl.

Therefore, keeping in view the serious allegation, which have come against the petitioners during investigation, this Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

Prayer is rejected.

The petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

**(Sanjay Priya, J)**

JA/-

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