

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42125 of 2019

Arising Out of PS. Case No.-77 Year-2018 Thana- MAHILA PS District- East Champaran

ACHALDEV KUMAR@ACHALDEV SAHANI Son of Babu Lal Sahani,
Resident of Village - Majuraha, P.S.- Turkauliya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 21-10-2019 Petitioner seeks bail in anticipation of his arrest in connection with Motihari Mahila P.S. Case No. 77 of 2018, registered for the offences punishable under Sections 341, 342, 376 (D)/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

As per F.I.R. allegation against the petitioner is that he and other accused persons have committed rape with the informant.

Submission of the learned counsel for the petitioner is that allegation of rape is against other accused persons. There is allegation of catching hold the hand of the victim against the petitioner. Further submission is that during investigation it was revealed that there was some enmity between the informant and petitioner family due to which he has been falsely implicated in



this case.

On the other hand, learned A.P.P has opposed the prayer of bail on the stating that there is direct allegation against the petitioner.

Having heard both sides, in view of the allegation as discussed above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned Court below and make prayer for regular bail which shall be considered on the basis of material available on record without being prejudice by dismissal of this order possible on the same day.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

T.Kr./-

U		T	
---	--	---	--

