

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60415 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- ARARIA District- Araria

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MUKESH MAHALDAR @ MUKESH BAHARDAR Son of Kare Bahardar
Resident of Village- Lahna Rampur, P.S. and District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 376/4 of the Indian Penal Code and
Section 4 of the POCSO Act, registered in connection with
Special (POCSO) Case No. 29 of 2019 arising out of Araria
(Mahila) P.S. Case No. 53 of 2019.

3. At the very outset, learned APP submits that the
petition for anticipatory bail is not maintainable under Section
438(3) Cr. P.C. as there is direct allegation against the petitioner
of having committed rape upon the informant's daughter, who is
said to be 14 years of age.

4. Learned counsel for the petitioner has been heard.

5. Considering the specific bar as contained in Section



438(3) Cr. P.C. the petition is held to be not maintainable and accordingly stands dismissed.

(Vikash Jain, J)

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