

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11532 of 2020**

Arising Out of PS. Case No.-281 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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AYUSH SAHA Son of Ujjwal Saha Resident of Mohalla - Khalifa Bagh,
Durga Sthan, P.S.- Jogsar, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 30-09-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Kotwali
(Jogsar) P.S. Case No. 281 of 2019, registered for the offences
punishable under Sections 363, 354A, 354B and 506 of the
Indian Penal Code and section 4/8 of the POCSO Act.

Prosecution case in brief is that on 05.04.2019 while
the informant (minor) was going to take tuition, on the way, this
petitioner and co-accused Gaurav Kumar forcibly seated her on
motorcycle and took her to the house of their friend Prince
Mishra. All the accused persons started misbehaving with her



and threatened to commit gang rape with her. Thereafter, the accused persons took her to a Mall where Rikku Khattar was already there and he also misbehaved with the informant. When the informant raised alarm, petitioner, Subham and Mamup took her to their house, where the accused persons with the help of their parents made her video. At 6.00 pm, co-accused Pinku Sah dropped the informant at her Nanihal.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case. Entire allegation is false and concocted. In fact, the informant herself eloped, but since her parents reported the matter to police, she lodged this false case out of pressure. Other co-accused has been granted bail by this court vide order dated 19.12.2019 passed in Cr. Misc. No. 76107 of 2019. Petitioner has got no criminal antecedent as mentioned in para 3 of the bail petition.

It appears from the medical report that the age of victim girl is between 16 to 18 years and in her statement under Section 164 Cr.P.C she has taken name of this petitioner, as one of the persons who took her on motorcycle.

Considering the facts aforesaid and statement of victim girl under Section 164 Cr.P.C, I am not inclined to enlarge the petitioner above-named on anticipatory bail in



connection with Kotwali (Jogsar) P.S. Case No. 281 of 2019

Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

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