

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27134 of 2020

Arising Out of PS. Case No.-19 Year-2019 Thana- MAHILA P.S District- Supaul

1. MUKESH KUMAR MUNNA Son of Mahendra Yadav Resident of Village - Jaraila, P.S. - Triveniganj, District - Supaul.
2. Bijendra Yadav Son of Vidya Nand Yadav Resident of Village - Amaha, P.S. - Triveniganj, District - Supaul.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-01-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in Supaul Mahila P.S. case No. 19 of 2019 registered for the offences punishable under Sections 366, 341, 376D/34, 504 & 506 of the Indian Penal Code and Section 6 of the POCSO Act pending in the Court of learned 1st Additional Sessions Judge-Special Judge, Supaul.

While the informant was sleeping in her house, petitioners along with other F.I.R. named persons are said to have entered into her house and committed rape against her. They also threatened to kill her if she will make noise.



Thereafter, they took the informant and fled away by Scorpio and went to the house of the sister of one co-accused and there also they committed rape against her.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. There is delay of about 18 days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the doctor, who has examined the victim, has found her age between 19-20 years old.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature and the victim in her statement made under Section 164 Cr.P.C. has also supported the prosecution version, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court



below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

Trivedi/-

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

