

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31289 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- BANKA District- Banka

DIWAKAR KUMAR @ VIJAY KUMAR MANDAL Son of Damodar
Mandal Resident of Village- Barahat, P.S.- Barahat, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Banka (Barahat) PS Case No. 142 of 2019 registered under Sections 147, 148, 149, 323, 325, 307, 354D, 354, 379, 504, 506 of the IPC and Section 8 of Pocso Act.

The allegation against the petitioner is that he along with others has chased the informant's sister so as to forcibly take her away. When informant's brother later went to pacify with the accused, it is alleged that he has also been beaten and his belongings have been snatched.

Learned Counsel for the petitioner submits that the informant and the petitioner are from the same village. Due to subsisting enmity since before the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent.

Learned APP has submitted that the FIR discloses such



offence having social ramification where persons, including the petitioner, have chased a girl to forcibly take her away. It is further submitted that from the order of the court below rejecting the prayer for anticipatory bail it is apparent that the injury report has also been considered, which corroborates the allegation of assault.

Having considered the rival submissions this Court does not find it a fit case for grant of anticipatory bail.

The application for anticipatory bail is rejected.

The claim of the petitioner, in the event of his surrender, may be considered by the court concerned without being prejudiced in any manner with the rejection of the present application for anticipatory bail.

(Madhuresh Prasad, J)

SNkumar/-

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

