

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32990 of 2020

Arising Out of PS. Case No.-495 Year-2019 Thana- SAKRA District- Muzaffarpur

1. Ram Pravesh Rai alias Ram Pravesh Ray, Son of Late Mahadeo Rai Resident of Village-Mishraulia tola Chaulia, P.S. Sakra, District-Muzaffarpur.
2. Baidyanath Rai, Son of Late Mahadeo Rai Resident of Village-Mishraulia tola Chaulia, P.S. Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-04-2021 Heard Mr. Mukesh Kumar, learned counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Sakra P. S. Case No. 495 of 2019, dated 23.10.2019, instituted for the offences under Sections 323, 354, 376 and 511 of the Indian Penal Code and Sections 12 and 13 of the POCSO Act, 2012.

The accusation against the petitioners is of



having attempted to molest the minor daughter of the informant.

The learned counsel for the petitioners however has submitted that in fact the wife of petitioner no. 1 had filed a case against the informant and others *vide* Sakra P. S. Case No. 592 of 2019 for offences under Sections 376 (D) and 323 of the I.P.C.

Apart from this, it has been submitted that the occurrence in the present case is of 30.08.2019 but the complaint in that regard has been filed on 09.09.2019.

Mr. Ram Priya Sharan Singh, learned APP for the State however has pointed out that the case which has been filed against the informant by the wife of petitioner no. 1 is later in point of time and therefore it cannot be taken as a ground for grant of anticipatory bail to the petitioners.

Apart from this, the statement made by one of the villagers that the accusation against the petitioners is false has not been found to be true by the police during



the course of investigation.

Considering the afore-stated facts, I am not inclined to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall take into account that the parties are agnates and that a dispute between them is coming from before and there could be a possibility of false implication and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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