

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6975 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- MAHILA P.S. District- Rohtas

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RAGHU CHOUDHARY S/O Vijendra Choudhary Resident of Village -
Kanchanpur, P.S. - Obra, Distt. - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 16-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Mahila Police Station Case No. 32 of 2020,
disclosing offences under Sections 506, 376 of the Indian Penal
Code and Section 4 of POCSO Act.

The prosecutrix lodged FIR stating therein that the
petitioner has relation in her village and he had come in her
village on the occasion of marriage and he has committed rape
upon her at the point of pistol. On hue and cry made by the
informant, her mother, brother and brother-in-law came there
then the petitioner fled away. Later on he threatened not
lodging any case against the petitioner otherwise the informant

side shall face dire consequences.

Learned counsel for the petitioner has submitted that victim is not minor, as such, there is no applicability of POCSO Act arises. He has also submitted that there is no explanation in delay of lodging the FIR.

The F.I.R. itself shows that informant has mentioned in her written report that after the occurrence, she was fearful and it was the reason for delay in lodging of the case.

Considering the facts and circumstances as well as the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner, therefore, the prayer for anticipatory bail is hereby rejected.

(Nawneet Kumar Pandey , J)

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