

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10167 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA P.S. District- Siwan

Abhay Kumar Paswan @ Abhay Manjhi S/O Rajkishore Manjhi Resident Of
Village- Pakdi Makiriyar Salempur, Adhailla, District- Dhanauti (O.P.),
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 376(DA) of
the Indian Penal Code and Section 4/6 of the POCSO Act.

Petitioner is said to have committed rape with the
informant and gave open threat not to do any complaint
otherwise she will be murdered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He submits that though there is allegation of rape just one
day prior to FIR but in course of medical examination of victim,
no such evidence has come and her age has been assessed by the
doctor as 18 to 22 years. In fact in course of investigation, no



material against accused persons including petitioner has come rather all the witnesses have unanimously stated that this case has been lodged in retaliation of the FIR lodged by own sister of informant. He further submits that petitioner has one criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Mahila P.S. Case No. 17 of 2021.

(Anjani Kumar Sharan, J)

devendra/-

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

