

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24828 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- DAGARUA District- Purnia

KAMALDEO PARIHAR Son of Choudhary Parihar Resident of Village-
Kamalpur, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-01-2022 Heard the parties through virtual mode.

The petitioner apprehends his arrest in a case in connection with Dagarua P.S. Case No.94 of 2020, giving rise to Special (POCSO) Case No.40/2020, registered for the offence punishable under Section 376 of the Indian Penal Code and sections 4, 6 of the POCSO Act.

The allegation against the petitioner is that he has committed rape upon the daughter of the informant and threatened her to not disclose this to anyone.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to local politics and ulterior motive. No such occurrence as alleged has ever taken place. There is general and omnibus allegation against the



petitioner. During investigation, the witnesses has not supported the prosecution case and police has given the benefit of section 41(1) of the Cr.P.C. to the petitioner. Thereafter, police submitted charge sheet and cognizance has been taken u/s 341, 354(B), 504 IPC and section 8 of the POCSO Act. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned counsel for the State opposed the prayer for bail by submitting that the victim has supported the prosecution case in her statement u/s 164 Cr.P.C and the medical board has assessed the age of the victim as 14 to 15 years.

Having regard to the facts and circumstances of the case, since the victim has supported the prosecution case in her statement u/s 164 Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner named above. Hence, the prayer for anticipatory bail is hereby rejected.

Accordingly, the instant application is dismissed.

However, petitioner is directed to surrender before the learned court below and court below shall pass orders in accordance with law.

(Anjani Kumar Sharan, J)

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