

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27872 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- DARIYAPUR District- Saran

PARICHHAN MAHTO S/o Pravesh Mahto Resident of Village- Tarwa
Mangarpal, P.S.- Dariyapur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehend his arrest in a case registered for the offence punishable under sections 342, 323, 376, 504 and 506 of the Indian Penal Code.

Allegedly, the petitioner case at the house of the informant and told her that co-accused Dhiraj Mahto is seriously ill and he has called her. On this the informant accompanied him and proceeded towards the housed of Dhiraj Mahto but he met before his house. On his instruction the petitioner went away from there and then co-accused Dhiraj Mahto raped the informant and threatened her not to disclose this incident to anyone otherwise he



would kill her and her husband.

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 dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. The specific allegation is against the co-accused Dhiraj Mahto. The victim in her statement recorded under section 164 Cr.P.C. has not stated that she was sexually assaulted by the petitioner. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the petitioner is involved in the present case, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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