

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38899 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- BAIRIYA District- West Champaran

MANJAY RAO @ MANJAY KUMAR RAO S/o Late Madan Rao R/o
village- Laukaria, Ward No. 17, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-11-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

The petitioner apprehends his arrest in connection with Bairiya P.S. Case No.114/2022, registered for the offence punishable u/s 341, 323, 504, 506/34 of the IPC and section 3(i)(r)(s) of SC/ST Act and u/s 8 of POCSO Act.

Allegedly, informant's daughter went to see her paddy field, in the meantime, petitioner seeing a goat in his field assumed that the same belongs to informant and started abusing the informant's daughter. When she told that the goat is not belonging to her, petitioner assaulted her badly.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No



such occurrence, in the manner as alleged, has ever taken place. Petitioner has been falsely implicated in this case with ulterior motive. There is a case and counter-case between the parties. There is an inordinate delay of 10 days in filing the F.I.R. The alleged occurrence is said to have taken place on 20.04.2022 but the F.I.R. was lodged on 01.05.2022 without giving any plausible explanation for such delay. This itself creates doubt about the prosecution case. It is further submitted that there is no injury report on record and from the F.I.R. itself, it is clear that there is no allegation against the petitioner to have made any attempt of sexual assault against the victim. Petitioner has no criminal antecedent, which is also mentioned in para-3 of this application.

Learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail and submits that the victim is a minor and POCSO Act is leveled against the petitioner.

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

However, petitioner is directed to surrender before the learned Court below within six weeks from today and seek



regular bail and the learned Court below would pass order, in accordance with law, considering that there is no specific overt act against the petitioner and there is delay in lodging the F.I.R.

This application is accordingly disposed of.

(Anjani Kumar Sharan, J)

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