

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39832 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

CHHOTU SAH @ MUKESH KUMAR @ CHHOTU SAHANI Son of
Anandi Sah Resident of Village - Dakrama, P.S.- Hathauri, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2022

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 342, 376(D), 509/34 of the Indian Penal Code, Sections 4 / 6 of POCSO Act and Section 67(A) of I.T. Act.

It is alleged that petitioner alongwith other four FIR named accused persons committed gang rape upon the informant, while she had gone to cut grasses in the field. It is also alleged that this petitioner made viral the video of the said incident.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to dirty village politics. There is 13 days delay in lodging the F.I.R. It is further submitted that the victim (informant) was examined on



21.08.2021, in which, she has denied the factum of sexual assault.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation of commission of gang rape and making the video of the incident viral against this petitioner. It is further submitted that petitioner did not surrender before the court below and he is still absconding, as a result of which, investigation against him is still pending.

Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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