

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52060 of 2021

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

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ROHIT MANJHI @ RAUHIT S/o- YOGENDRA MANJHI Resident of
Village- Pakari Makariyar, P.S.- Dhanauti O.P., District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 apprehends his arrest in a case registered for the offence punishable under Sections 376 (D, A) of the IPC and section 4, 6 of the POCSO Act.

The allegation against the petitioner is that after entering into the informant's house in the night, he has committed rape upon the informant/victim.

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. 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. It is further submitted that the occurrence is alleged to have taken place on 04.07.2020 but the F.I.R. has been lodged on 17.03.2021 i.e. after a delay of more than eight months without giving any plausible explanation for such delay, which creates serious doubt about the prosecution case. It is submitted that as per the medical report, no evidence of recent sexual activity has been found against the victim. Further more, the age of the victim has been assessed as between 18 to 21 years. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the victim has supported the prosecution case in her statement u/s 164 Cr.P.C.

Having regard to the facts and circumstances of the case, since victim has supported her case, I am not inclined to grant anticipatory bail to the petitioner. The prayer for grant of anticipatory bail on behalf of the petitioner is rejected.

The instant application is dismissed.

(Anjani Kumar Sharan, J)

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