

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53998 of 2021

Arising Out of PS. Case No.-371 Year-2020 Thana- MUFFASIL District- West Champaran

1. AWADHESH MUKHIYA Son of Sri Dhela Mukhiya @ Dhela Raut @ Dela Raut Resident of Village- Awaraiya, Tiwari Tola, P.S.- Bettiah Muffasil (Banuchhapar), District- West Champaran.
2. Rajant Mukhiya @ Ranjat Mukhiya Son of Sri Dhela Mukhiya @ Dhela Raut @ Dela Raut Resident of Village- Awaraiya, Tiwari Tola, P.S.- Bettiah Muffasil (Banuchhapar), District- West Champaran.
3. Satendra Mukhiya Son of Sri Dhela Mukhiya @ Dhela Raut @ Dela Raut Resident of Village- Awaraiya, Tiwari Tola, P.S.- Bettiah Muffasil (Banuchhapar), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 18-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

It appears that by order dated 06.06.2020, anticipatory bail petition so far as petitioner no.3 is concerned, stood dismissed as withdrawn as having become infructuous.

Heard the learned counsel for petitioner nos. 1 and 2 and learned APP for the State.

Petitioner nos. 1 and 2 apprehend their arrest for the offences alleged under Sections 323, 341, 354-A, 379 and



506/34 of the Indian Penal Code and Section 18 of the Protection of Children from Sexual Offences Act, 2012, registered in connection with Bettiah Muffasil (Banuchhapar) P.S.Case No. 371 of 2020.

As per prosecution case, when 15-year-old daughter of the informant was going to ease herself, the petitioner Awdhesh Mukhiya caught hold of her and attempted to drag her toward orchard. On alarm raised by the victim, her brother came to rescue her then FIR named accused persons assaulted the son of the informant.

The learned counsel for petitioners has submitted that the entire allegation is false. Though there is allegation of assault, but the son of the informant has not suffered any injury. He has also submitted that there is dispute between the parties in respect of *Sahan*. There is allegation against petitioners that they dragged the minor daughter of the informant. The case has been lodged under the provision of POCSO Act in addition to relevant Sections of Indian Penal Code, whereas for the dispute in respect of *Sahan* there is no documentary proof.

The petitioners had bad intention to drag the minor daughter of the informant and on protest they assaulted the informant's son.



In view of aforesaid, it is not a fit case for anticipatory bail to the petitioners. Their prayer for anticipatory bail is hereby rejected.

The petitioners are directed to surrender in the court below and seek regular bail, which shall be considered and disposed of on its own merit.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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