

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70851 of 2021

Arising Out of PS. Case No.-57 Year-2016 Thana- JOGAPATTI District- West Champaran

MANTU MUKHIYA Son of Late Singhasan Mukhiya Resident of Village -
Khalwa Tola Piprahiya, P.S.- Yogapatti (Nawalpur), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in Yogapatti
(Nawalpur) P.S. Case No. 57 of 2016 registered under Sections
341, 323, 376, 511, 504/34 of the Indian Penal Code and 8 of
the POCSO Act.

Prosecution case in short is that the petitioner tried to
commit rape upon a minor victim.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has been falsely implicated in the present case. The alleged occurrence is said to have taken place on 11-02-2016 and the case has been registered on 02-03-2016. The delay in instituting the FIR has not been explained by the prosecution. Due to village politics, the petitioner has been made accused in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is specific allegation of attempt to commit rape upon the minor daughter of the informant against the petitioner.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudice by this order.

(Sudhir Singh, J)

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