

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18094 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- DUMRA District- Sitamarhi

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DHARMENDRA RAI @ DHARMENDRA KUMAR S/O TRILOKI RAI
Resident of village- Berua Ward No.- 13, P.S.- Gayghat, District-
Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 364, 365, 366 and 366(A) of the Indian Penal Code and Section 8 of the POCSO Act pending in the learned court below.

As per the prosecution case, petitioner along with other co-accused person enticed away the daughter of the informant on the allurement of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is no any incriminating article or victim girl has been recovered from the conscious possession or the house of the petitioner. He submits that there is no specific overt act against the petitioner. He further submits that statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the prosecution case. He further submits that petitioner has got no



criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail and relies upon the judgment of the Hon’ble Apex Court passed in the case of “*X (minor) vs. State of Jharkhand & Anr. (Criminal Appeal No.263/2022)*”..

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Dumra P.S. Case No.590/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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