

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38749 of 2023

Arising Out of PS. Case No.-467 Year-2016 Thana- WAJIRGANJ District- Gaya

MANTU SAW son of Gariban Saw Village- Mirjaganj Ps- Sikandara Dist-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with POCSO Case no. 1 of 2016 (arising out of Wajirganj P.S. Case no. 467 of 2016) registered for the offence punishable under sections 366A, 323, 504 and 506 of the Indian Penal Code.

3. As per allegation in the F.I.R, the 17 year old daughter of the informant disappeared. On enquiry it transpired that she was in the house of the petitioner. The informant states that when she went to get her daughter, she was threatened and forced to return without her.

4. Learned Senior counsel appearing for the petitioner submits that the parties are related which is evident from the materials on record. The age of the so called victim has been



assessed between 17-18 years in course of medical examination. The material that has transpired in course of investigation do not support the prosecution case as alleged in the FIR. However, from the statement under section 164 Cr.P.C. it would transpire that the petitioner happens to be the brother-in-law of the victim.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the FIR being of the year 2016 against which the petitioner moved for anticipatory bail only in the year 2023 together with the contents of the statement of the victim under section 164 Cr.PC. wherein she supported the prosecution case, the Court is not inclined to enlarge the petitioner on bail and the bail application is rejected.

7. The petitioner is directed to surrender in the Court below within a period of four weeks. In case, the petitioner surrenders within the aforesaid period, the application for bail of the petitioner shall be considered without being prejudiced by this order of rejection.

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(Partha Sarthy, J)

