

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37120 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- GOGRI District- Khagaria

1. Sangeeta Devi W/O Munilal Mandal R/O Village - Chandpur, P.S.- Gogri, District-Khagaria
2. Raushan Kumar @ Roshan Kumar S/O Munilal Mandal R/O Village - Chandpur, P.S.- Gogri, District-Khagaria
3. Kanchan Devi W/O- Bilash Mandal @ Ram Vilash Kumar R/O Village - Chandpur, P.S.- Gogri, District-Khagaria
4. Raja Kumar Son Of Bilash Mandal @ Ramvilash Kumar R/O Village - Chandpur, P.S.- Gogri, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to
remove the defects within four weeks.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 366(A) and
34 of the Indian Penal Code pending in the learned court below.

Learned counsel for the petitioners submits that the
petitioners are innocent and have been falsely implicated in this
case. He further submits that the occurrence took place on



29.09.2021 and Fir has been lodged on 04.10.2021 for which no plausible explanation has been given by the informant. He submits that the victim girl suo motu appeared at Gogri police station and her statement was recorded u/s 164 Cr.P.C. in which she has not made allegation regarding sexual assault. He further submits that there is no specific overt act against the petitioners. He submits that during investigation independent witness, namely, Prakash Mandal, Anil Mandal have narrated the different story they have categorically stated that petitioner no.2 & 4 are friends of Basist Kumar who has love affair with alleged victim girl, Raja Kumar is studying at Patna since last two months he is at there which can be verified from his mobile no.8271632591 by obtaining call details. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the statement of the victim was recorded u/s 164 Cr.P.C. in which she had supported the prosecution case. Hence, they do not deserve anticipatory bail.

Considering the statement of the victim, I am not inclined to enlarge the petitioners on bail in connection with



Gogri P.S. Case No. 440/2021. Accordingly, their prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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