

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39137 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- PARIHAR District- Sitamarhi

Nasir Mansoori @ Md. Nasiruddin S/O Mumtaz Mansoori R/O Village-
Ekdandi, Ps. Parihar, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Parihar P.S.
Case No. 367 of 2022 registered for the offences punishable
under Section 376/34 of the Indian Penal Code and Section 4 of
the POCSO Act, pending in the Court of learned A.D.J.-VI cum
Special Judge (POCSO Act), Sitamarhi.

3. Allegation against the petitioner is that he has
committed rape upon the informant.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not
specific rather general and omnibus in nature. He submit that
the Medical board opined age of the victim as 20 years and no



definite opinion is given regarding sexual assault. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has supported the prosecution case. He further submits that the victim is minor, as her date of birth is 16.04.2006 in the School Certificate. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the fact that the victim is minor, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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