

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40619 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- PATAHI District- East Champaran

MUNNA KUMAR Son of Ganga Rai Resident of Village - Kodariya, P.S.-
Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari
For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-11-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376(DA), 506, 34 of the Indian Penal Code and Section 3(i)(v)(s)(w)(i)/3(2)(v) of the SC/ST Act and Section 4, 6, 8, 10, 14 of the POCSO Act.

3. The allegation against the petitioner is that he along with other co-accused persons committed rape with the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that the medical report of the victim has not supported the prosecution case. He further submits that there is a contradiction of



statement of the victim before the police and her statement recorded u/s 164 of Cr.PC. Petitioner has no criminal antecedent.

5. Learned Spl.PP for the State opposed the prayer for anticipatory bail by submitting that the anticipatory bail of the petitioner is not maintainable in view of the Section 438(4); nothing in this Section shall apply to any case involving the arrest of any person on accusation of committed an offence under sub-section (3) of Section 376 or Section 376AB or Section 376DA or Section 376DB of the Indian Penal Code (45 of 1860).

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed as not maintainable.

(Anjani Kumar Sharan, J)

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