

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43637 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

1. Sudhir Rai Son Of Sonelal Rai Resident Of Village- Khalikpur, Ps- Abhiyapur, District- Muzaffarpur
2. Santosh Kumar Son Of Vakil Rai Resident Of Village- Khalikpur, Ps- Abhiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 354, 354(A), 354(B), 354(D), 504 and 506/34 of the Indian Penal Code, under Section 8/12 of the POCSO Act & 3(i)(r)(s) of the SC/ST Act pending in the learned court below.

3. As per the prosecution case, all the accused persons always misbehaved with the informant when she was going to coaching.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that the occurrence took place on 10.03.2023 but the FIR lodged on



19.03.2023 after a delay of nine days. He submits that there is no explanation of it which creates serious doubt about prosecution case. He further submits that petitioner no.1 has got one criminal antecedent and petitioner no.2 has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the victim has supported the prosecution case, I am not inclined to enlarge the petitioners on bail in connection with Ahiyapur P.S. Case No. 328/2023. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek 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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