

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46741 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- KUDHNI District- Muzaffarpur

UMESH SINGH @ UMED SINGH Son of Late Rambriksha Mahto Resident
of Village-Kerma, P.S.-Kudhani, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2023 Heard Mr.Jitendra Narain Sinha, learned counsel for
the petitioner and Mr.Nirmal Kumar Sinha, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kudhani P.S. Case No. 53 of 2023, FIR dated
08.02.2023 registered for the offence punishable under Sections
376/511 of IPC and Sections 8 and 12 of POCSO Act, 2012.

3. Allegation against the petitioner is that he tried to
outrage the modesty of the victim.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the
FIR is false and fabricated and the petitioner has not committed
any offence as alleged in the FIR. Further submits that from a
bare perusal of the FIR it appears that the date of occurrence as



alleged in the FIR is 05.02.2023 but the present FIR has been instituted on 08.02.2023 after delay of three days without giving any explanation of delay only to falsely implicate the petitioner in the present case.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it has come during investigation that the petitioner has committed wrong with the victim and statement of the victim was recorded under Section 164 Cr.P.C. in which she has fully supported the case of the prosecution.

6. Considering the aforesaid facts, there is direct and specific allegation against the petitioner and the victim was only aged about 10 years at the time occurrence, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Kudhani P.S. Case No. 53 of 2023 pending in the court of learned Additional District and Sessions Judge-VII-cum-Special Court, POCSO Act (West) Muzaffarpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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