

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47910 of 2023

Arising Out of PS. Case No.-101 Year-2018 Thana- MAHILA PS District- Darbhanga

MD. HASHMI RAFSAN JANI @ MD. JAUNI S/O HIRA RAHI R/O
Village- Ganaun, P.S- Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shahnawaz Ali

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner apprehends arrest in connection
with Mahila Darbhanga P.S. Case No. 101 of 2018 registered
under Sections 376, 120B of the Indian Penal Code and 4/6 of
POCSO Act.

3. Submission of learned counsel for the petitioner
is that earlier prayer of the petitioner for grant of anticipatory
bail was rejected by this Court vide order dated 17.06.2019
passed in Cr. Misc. No. 16881 of 2019. The fresh ground is that
the charge sheet has been submitted under Sections 354 of I.P.C.
and 8/12 of the POCSO Act, whereas the first information report
is lodged for the offence under Sections 376, 120B of I.P.C. and
4/6 of the POCSO Act. Further he submits that the co-accused



persons have not been sent up for trial.

4. Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner by contending that although the case under Sections 376, 120B of the Indian Penal Code and 4/6 of the POCSO Act has not been found true against the petitioner, but the police submitted charge sheet against the petitioner under Sections 354 of Indian Penal Code and 8/12 of POCSO Act. Further he submits that all the allegations are levelled against the petitioner. Hence, the petitioner does not deserve the privilege of anticipatory bail.

5. Having considered the facts and circumstances of the case and the submissions advanced on behalf of the State, this Court is not inclined to reconsider the prayer for grant anticipatory bail to the petitioner.

6. Accordingly, prayer of the petitioner is rejected.

(Arvind Srivastava, J)

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