

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54592 of 2023

Arising Out of PS. Case No.-31 Year-2020 Thana- MAHILA PS District- Aurangabad

SHASHI KUMAR PASWAN @ SHASHI KANT PRASAD Son of Sri
Suryabhan Paswan @ Ramashish Prasad Resident of Village Titai Bigha, P.O.
Pawai, P.S. Muffasil, District Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376(D)(A) of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1)w(i)(ii), 3(2)(va) of the SC / ST Act.

3. As per the prosecution case, it is alleged that the petitioner along with other accused persons have forcibly committed rape on 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. Learned counsel for the



petitioner fairly submits that under Section 376 (D) (A) of the Indian Penal Code and Section 4 of the POCSO Act, no anticipatory bail application is maintainable after amendment of 2018 of the Cr.P.C. in the light of Section 438(4) of Cr.P.C. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the application for anticipatory bail is dismissed.

(Anjani Kumar Sharan, J)

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