

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62813 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- MIRGANJ District- Gopalganj

MAKURDHAN SINGH @ MAKUNDAN KUMAR Son of Surya Vali Singh
@ Suryabali Singh R/V- Kusaudhi, P.S- Mirganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Mirganj P.S. Case No.38 of 2022, registered for the offence punishable u/s 376, 354, 354(A) of the IPC and sections 8, 9, 10 of the POCSO Act.

Allegedly, the petitioner is said to have entered into the house of informant and started molesting her minor daughter and when she raised alarm, he fled away. It is alleged that prior to the alleged occurrence, the petitioner kidnapped her daughter with the help of other co-accused.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge. No such



occurrence, in the manner as alleged, has ever taken place. It is submitted that earlier the petitioner was brutally assaulted by informant and her family members on 13.12.2021 for which he lodged a case against the informant's side vide Mirganj P.S. Case No.416 of 2021 (Annexure-2) and only with a view to implicate the petitioner, this case as been lodged against him with false allegation. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail and submits that statement of the victim was recorded u/s 161 and 164 Cr.P.C., in which she has supported the prosecution case.

Having regard to the facts and circumstances of the case, since victim has supported the prosecution case in her statement u/s 161 and 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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