

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5649 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- JHANJHARPUR District- Madhubani

KAMLESH MUKHIYA Son of Buchchi Mukhiya R/O Village - Ojhaul, P.S.-
Bhairavsthan, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. H.A. Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-06-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 313, 315, 420, 120B, 34 of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

Allegedly, petitioner is said to have established physical relationship with the minor victim and when she got pregnant, at behest of the petitioner, the seven months old baby of the victim, who was in her womb, got forcibly operated upon by the doctor and thrown away somewhere.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely



implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that from the perusal of FIR, it is evident that the victim is a major. Therefore, Sections 4 & 6 of POCSO Act do not applicable in this case at all. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that the statement of the victim under Section 164 Cr.P.C. has been recorded, in which she supported the prosecution case.

Having regard to the facts and circumstances of the case, as the victim supported the prosecution case, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

