

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3520 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

=====

KRISHNA NANDAN KUMAR Son of Panchandeo Mahto Resident of
Village - Mahuawa, P.S.- Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Kundwachainpur P.S. Case No. 180 of 2022 registered for the offences punishable under Sections 341, 323, 354(B), 376, 511, 504, 506 and 34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act pending in the Court of learned Sessions Judge cum Special Judge, POCSO Act, East Champaran at Motihari.

Allegation against the petitioner is that he had pushed the victim and caught her hands and forcibly took her to a room and locked the door. When she started shouting then the petitioner opened the door and thereafter, she managed to come out of that room.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submits that there is land dispute between the parties, therefore, the petitioner is made accused in the present case. He submits that there is no ingredients available against allegation of the POCSO Act. The petitioner has got one criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that specific overt act has been attributed against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Kundwachainpur P.S. Case No. 180 of 2022.

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

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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

