

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1666 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- MAHILA P.S. District- Siwan

Mannu Gond @ Manu Kumar S/O Girdhari Gond @ Girdhari Shah Resident Of Village- Navaka Tola, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1762 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- MAHILA P.S. District- Siwan

Ramsnehi Rajbhar @ Laddu S/O Ramlal Rajbhar @ Ramlal Bhar Resident Of Village- Chitbisraw,, P.S.- Guthuni, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1666 of 2023)

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 1762 of 2023)

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-05-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 22 of 2021 registered for the offences
punishable under Section 376 D of the Indian Penal Code and
Section 4/6 of the Protection of Children Form Sexual Offences



Act.

As per the prosecution case, all the FIR named accused persons including these petitioners are said to have committed rape upon the informant and threatened to kill her.

Learned counsel for the petitioners submitted that petitioners have falsely been implicated in this case. It is further submitted that there is no specific allegation levelled against the petitioners. It is further submitted that petitioners have clean antecedent as stated in para-3 of this application. It is further submitted that similarly situated co-accused have been granted bail by a co-ordinate bench of this Court.

Learned APP for the State opposes the prayer for bail and submits that this case has been lodged under Section 376 D of the IPC and the same is not maintainable. He has made reference to Section 438 Cr.P.C., which reads as follows:

“ Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section 376 of section 376AB or section 376DA or section 376DB of the Indian Penal Code.”

Considering the nature of offence and the provisions as aforesaid, I am not inclined to grant privilege of anticipatory bail to the petitioners and, accordingly, their prayer for



anticipatory bail stands rejected.

However, if petitioners surrender before the learned court below within a period of six weeks from today, and pray for regular bail, the learned court below shall consider the prayer for regular bail of the petitioners, preferably, on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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