

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4408 of 2020**

Arising Out of PS. Case No.-163 Year-2018 Thana- MAHILA P.S. District- Patna

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JUHI KUMARI Daughter of Sri Subodh Kumar Sinha Resident of Simli,  
Tathagat Nagar, P.S.- Malsalami, Town and District- Patna, Bihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dr. Ashutosh Kochgaway S/o- Sri Sheo Kumar Kochgaway @ Sheo Kumar Sinha Resident of Haziganj (in front of Office of LIC), P.S.- Chowk, District- Patna.

... .. Opposite Party/s

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**Appearance :**

|                            |                       |
|----------------------------|-----------------------|
| For the Petitioner/s :     | Mr. Pratyush Kumar    |
| For the Opposite Party/s : | Mr. Jai Narain Thakur |

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

4      29-03-2023                      Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of the opposite party no.2.

This application is filed for cancellation of anticipatory bail of Opposite Party No. 2 granted by a Co-ordinate Bench of this Court vide Cr. Misc. No. 13470 of 2019 passed on 06.03.2019 in connection with Mahila P.S. Case No. 163 of 2018 for the offence under sections 376, 420 and 120B of the Indian Penal Code.

Submission of learned counsel for the petitioner is that Opposite Party no. 2 has obtained bail misleading the Court by submitting false statements as averred in paragraph-7 of the



bail application of the opposite party no. 2.

Learned counsel appearing on behalf of the opposite party opposed the prayer of the petitioner by contending that the opposite party no. 2 was granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 06.03.2019 passed in Cr. Misc. No. 13470 of 2019, having considered the merit of the case, which is as follows:

*“It is submitted that the petitioner has been falsely implicated in retaliation to the earlier cases filed by the mother of the petitioners in Case No. 704 of 2018 under Section 107 Cr. P.C. and Complaint Case No. 1106 of 2018 converted into Chowk P.S. Case No. 401 of 2018 for the offences under Sections 384, 389, 500 and 506 IPC, against the informant and her family members. The medical report does not disclose any violence mark on the informant's body nor her private parts. It is submitted that in her deposition recorded under Section 164 Cr. P.C., she has stated that the petitioner had committed rape after giving false assurance of marriage but the offence under Section 376 IPC is not made out in view of the decision of the Supreme Court reported in (2016)4 SCC 140 (Tilak Raj Vs. State of Himachal Pradesh). The petitioner is an accused in one prior case of different nature.”*



It is evident that the Co-ordinate Bench of this Court has passed the order after considering all aspects of the matter. This Court does not find any merit in the present application for cancellation of anticipatory bail of the opposite party no. 2 and the same is, hereby, dismissed.

**(Arvind Srivastava, J)**

shailendra/-

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