

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12537 of 2024**

Arising Out of PS. Case No.-61 Year-2022 Thana- KESARIA District- East Champaran

Arvind Kumar @ Arvind Sahani son of Bhagwan Sahani Resident of Village-  
Konhiya, P.S.- Kesariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      03-05-2024                      Heard Mr. Umesh Chandra Verma, learned counsel  
for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Kesariya P.S. Case No. 61 of 2022 instituted under Sections 341, 323, 363, 366A, 34 of the Indian Penal Code and 8 of the POCSO Act lodged on 16.2.2022 by the informant, Sudama Devi.

3. As per the prosecution story, the lady informant alleged that she had gone for the medical treatment of her elder daughter, returned and found younger, minor daughter missing. She came to know that this petitioner along with others took her. She went to the home of the petitioner but was abused by the family members. Accordingly, the FIR.

4. Though, the learned counsel for the petitioner tried



to impress upon this Court that there is another case (Kesariya P.S. Case No. 300 of 2021) and the lady was not found to be minor rather between 18-23 years of age, learned APP took this Court to the observation made by the learned Sessions Judge while rejecting the anticipatory bail application of the petitioner in which it has been incorporated though she accepted that she went with the petitioner to Haryana, there, all the accused persons named which according to the learned counsel for the petitioner are brothers after taking liquor not only gang raped her, was also assaulted.

5. In the considered opinion of the Court and in view of the allegation that has come against this petitioner who took the girl to Haryana and later along with his other associates committed gang rape, certainly this is not a case for grant of anticipatory bail which is accordingly rejected.

**(Rajiv Roy, J)**

Ravi/-

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