

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21914 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- MAHILA P.S. District- Samastipur

Sudhir Kumar Rai @ Sudhir Kumar S/O- Late Ramanand Ray R/O- Village- Chakwa, Ward No.- 08, P.S.- Sarairanjan, Dist.- Samastipur. At Present- Resident Of Village- Hasanpur, Jitwarpur Nijamat, Ward No.- 16, P.S.- Muffasil, Dist.- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA
2. Khusbu Devi W/o- Late vijay Sharma R/o village- Jitwarpur Ward No.-16 PS- Muffasil Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
For the State	:	Mr. Shyam Kumar Singh
For the O.P. No. 2	:	Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-11-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in Mahila P.S. Case No. 49 of 2023 registered for the offences punishable under Sections 354, 354B, 341, 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner is said to have outraged the modesty of the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that



on 08.06.2023 all the persons of the locality entered in the school, including the family of the victim, and assaulted the teachers and demanded extortion money and, thereafter, lodged false case against the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and the learned counsel for the opposite party no. 2 opposed the prayer for anticipatory bail and submitted that the victim in her statement under Section 164 of Cr.P.C. has supported the prosecution case.

6. Considering the facts and circumstances of case and the fact that the victim is a minor, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. 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)

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