

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21137 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Vaishali

Himanshu Kumar @ Chhotu Son of Tapesavar Sahni Resident of Village-
Dharhara, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 42 of 2023 for the offence punishable u/s 376 of the Indian Penal Code and section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner committed rape with the minor daughter of the informant taking advantage of the fact that the informant and her husband were away and they engaged the petitioner to look after their house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant are co-sharer in the property and are agnates and there is land dispute between them.



The present case has been lodged on account of the said land dispute. A Pachayati was held on 24.12.2023 between the informant side as well as petitioner side for redressal of the land dispute. But the matter could not be resolved and the victim girl snatched the agreement document from one of the 'Panches' and threatened to implicate all of them. Learned counsel further submits that the letter dated 24.12.2023 of the Sarpanch shows that the informant and her husband were present on 24.12.2023 in their village and they were not at Hyderabad and thereafter, they filed this false case. There is delay of 21 days in lodging of the FIR for which there is no satisfactory explanation. The petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposes the prayer for anticipatory bail of the petitioner who submits that nothing has come on record regarding land dispute and Panchayati as such could not mean the same was for resolving certain land dispute and the presence of the victim girl in the Panchayati in the matter of land dispute is also very surprising.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.



7. Accordingly, the prayer for anticipatory bail of the
petitioner is rejected

(Arun Kumar Jha, J)

Prakash/-

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