

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29464 of 2024

Arising Out of PS. Case No.-936 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Manish Kumar Son of Gorakh Sah Resident of village- Pakaria Ajgari, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Ranjan Son of Birendra Prasad Resident of village- Amwa, P.O.-
Siswa, P.S.- Banjariya, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Chandna, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In this case, the petitioner is apprehending his arrest
in connection with Turkauliya (Banjariya) P.S. Case No. 936 of
2023, for the offences under Sections 341, 323, 354(B) and 504 of
the Indian Penal Code.

3. As per prosecution case, while the minor niece of the
informant had been going to school on the cycle, the petitioner
threatened her with knife and sexually assaulted her. By co-
incidence, the informant was coming to the same road and the
petitioner fled away from the spot after pushing the niece of the
informant in a ditch and threw her cycle over her.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. The F.I.R. has been registered after delay of 15 days but there is no explanation. There was some family dispute between the family of the petitioner and informant and for this reason, the present case has been lodged only to harass the petitioner. The petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that delay has been satisfactorily explained in the F.I.R. itself that the niece of the informant went into mental depression and for this reason, F.I.R. has been delayed. He further submits that there is specific allegation against the petitioner for sexually assaulting the minor girl stated to be aged about 12 years and nothing has been brought on record to show reason for false implication.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, 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)

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