

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37102 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Manish Kumar Son of Gonu Ray R/O Village Paharchak, P.S. Motipur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Motipur P.S. Case No. 346 of 2023 dated 28.10.2023, registered for the offences punishable under Sections 341, 323, 354(B), 504 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

3. Allegedly, the petitioner is said to have abused the informant and tried to outrage her modesty and when the informant tried to protest for the same, he openly threatened her and even put a bad touch on her body.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and he has committed no



offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not present at the place of occurrence on the alleged date and time, as the petitioner works in a medical shop in New Delhi. There is admitted land dispute and old enmity between the parties. The informant has lodged this false case against the petitioner under the influence of her parents due to enmity and made false statement in her statement under Sections 161 & 164 of the Cr.P.C. There is inordinate and abnormal delay of nine days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the statement of the victim, who is minor, has been recorded under Section 164 Cr.P.C. in which she has supported the prosecution case, hence the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the statement of the victim recorded under 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer



for bail of the petitioner is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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