

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36665 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- MAHNAR District- Vaishali

Mithalesh Ray @ Mithalesh Kumar Ray S/O Late Anudeep Ray, R/O Vill-
Lawapur, P.S- Mahnar, Distt.- Vaishali, Pin- 844506.

... .. Petitioner

Versus

1. The State of Bihar.
2. Prity Kumari D/O Baudha Turiya, R/O Vill- Turiya, P.S- Kaua Khor, Distt.-
Nawada.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate Mr. Vishal Vikram Rana, Advocate Ms. Misha Bharti, Advocate
For the Opposite Party	:	Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-10-2024 Heard Mr. Y.C. Verma, the learned senior counsel

for the petitioner and Ms. Usha Kumari 1, the learned Special

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Mahnar PS Case No. 53 of 2024, FIR dated

09.03.2024, registered for the offences punishable under

Sections 376, 511 and 365 of the Indian Penal Code and under

Sections 8 and 12 of POCSO Act and under Sections 3(i)(r) and

3(i)(s) of the SC/ST Act, 2014 and also under Section 3(1)(w) of

the SC/ST Act, 1989.

3. According to the prosecution case, the petitioner

locked the informant in the office of Chimney, attempted to



molest her and also forced her to marry him. It is further alleged that the petitioner took informant's father with him and thereafter her father remains traceless.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that no such occurrence has taken place and the petitioner just tried to commit rape upon the victim.

5. The learned Special Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the informant was working with the petitioner and according to paragraph no. 79 of the case diary, it is evident that petitioner has locked the door and tried to commit rape upon the informant. In addition to that, in the statement of the victim recorded under Section 164 of the Cr.P.C., she has fully supported the case of the prosecution. Additionally, the petitioner carries one criminal antecedent other than the present one, however, she fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances



and the nature of allegation as well as the materials available on record which has come during investigation, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner in connection with Mahnar PS Case No. 53 of 2024, pending in the Court of learned Additional Session Judge-VI-cum-Special Judge POCSO, Hazipur, Vaishali.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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