

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51587 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. Moti Kumar @ Satyendra Kumar Son of Mishri Bind R/V- SAHE BAHE, P.S.- CHAINPUR, DIST- KAIMUR, BHABUA
2. Mohan Kumar @ Mohan Prasad Son of Ram Baj Bind R/V- SAHE BAHE, P.S.- CHAINPUR, DIST- KAIMUR, BHABUA
3. Sukhu Bind Son of Mithu Bind R/V- SAHE BAHE, P.S.- CHAINPUR, DIST- KAIMUR, BHABUA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Mahila P.S. Case No. 19 of 2024 under Sections 342, 323, 365, 366A, 376D, 506, 34 of the Indian Penal Code and Section 4, 6 of the POCSO Act.

3. As per the prosecution, F.I.R. has been lodged against the four named accused persons including the petitioners. As per F.I.R. allegation of gang rape is there against the accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. He submits that from the statement made in the F.I.R., it become



crystal clear that the date of occurrence is 21.04.2024 at about 4 A.M. morning whereas from the F.I.R. which was lodged on 03.05.2024, i.e. after delay of 13 days and there is no explanation made in the F.I.R. about delay filing of the said F.I.R.

5. Learned counsel submits that antecedent of the petitioners is clean and petitioners are young person.

6. Learned counsel for the State, on the other hand, opposes the prayer for bail and submits that the allegation of 376(d) is there against the petitioners and in the F.I.R. direct name has been disclosed by the informant herself.

7. From perusal of the rejection order, it transpired that under Section 164 Cr.P.C., the informant has disclosed the name of the petitioners and supported the allegation.

8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners, therefore the anticipatory bail application of the petitioners is hereby rejected.

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(Dr. Anshuman, J)

