

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61218 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- CHACKMEHSI District- Samastipur

1. Chandan Prakash @ Chandan Sahni Son of Bhola Sahni Village - Shrinath Paran, P.S. - Chakmehsi, District - Samastipur,
2. Dipak Kumar @ Deepak Kumar son of Ashok Sahni Village - Shrinath Paran, P.S. Chakmehsi, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari Mukesh Sahni Village - Shrinath Paran, P.S. - Chakmehsi, District - Samastipur
2. Poonam Kumari Daughter of Mukesh Sahni Village - Shrinath Paran, P.S. - Chakmehsi, District - Samastipur,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rikesh Sinha
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 448, 354B, 506/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. Petitioners are said to have committed sexual assault with the minor daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the victim has denied for her internal



medical examination. He submits that the present case has been filed by the informant after delay of 10 days without proper explanation. He further submits that petitioner no. 1 has four criminal antecedent and petitioner no. 2 has three criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail and submits that the statement of the victim has been recorded under Section 164 of the Cr.P.C. in which she has supported the prosecution case.

6. Considering the facts and circumstances of the case and the statement of the victim, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Chakmehsi P.S. Case No. 82 of 2024.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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