

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61430 of 2023

Arising Out of PS. Case No.-817 Year-2023 Thana- NAWADA District- Nawada

MADAN KUMAR @ CHHOTE Son of Sri Chandradeep Mahto @ Chander
Deo Prasad Resident of Dadpur, P.S. - Akbarpur, Distt. - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Shekhar
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary
For the Informant	:	Mr. Ram Murti
		Mr. Pankaj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the parties.

2. The petitioner apprehend his arrest in connection with Town P.S. Case No.817 of 2023, registered for the offence punishable under Sections 341, 323, 354(A), 504, 506, 376, 511, 34 of the Indian Penal Code and Sections 6, 8 of POCSO Act.

3. The allegation against the petitioner is that he sexually assaulted the daughter of the informant and also threatened to not disclose it with anyone otherwise he will kill her and her family members.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific



overt act against the petitioner. There is no eye witness to the alleged occurrence. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant that the victim girl is a minor and she has supported the prosecution case in her statement recorded under Section 164 of Cr.PC.

6. Having regard to the facts and circumstances of the case as well as considering that the victim is a minor, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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