

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64049 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- THAKRAHA District- West Champaran

Anuj Kumar Son of Kanhaiya Tiwari R/O Village- Thakarha, PS - Thakarha,
Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nidhi Kumari Daughter of Umesh Sharma R/O village - Belwaripatti, PS - Thakraha, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-09-2024 1. Heard learned counsel for the petitioner and Mr.
Rabindra Kumar learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354, 354(B), 354(D), 506, 509 and 511 of the Indian Penal Code as well as Section 12 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases.

4. The informant alleges that petitioner used to behave inappropriately with her, but she did not disclose the inappropriate behaviour of the petitioner to her parents fearing that they may discontinue her study. It is further alleged that on 19.05.2024 at 04:00 p.m., the petitioner came to the shop of the



informant and purchased tobacco and caught her hand and on protest he left threatening her. It is next alleged that on the same day at 08:00 p.m. while she was returning home, the petitioner intercepted her and forcefully took her to a secluded place and tried to commit rape but the informant bit him by her teeth on account of which his grip loosened, hence, she raised an alarm when villagers reached and petitioner fled away.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant on account of dispute relating to land as would manifest from Annexure-2 to the anticipatory bail application. It is further submitted that the date of occurrence is 19.05.2024 and the FIR came to be instituted on 21.05.2024 i.e. after a delay of two days of the occurrence without any plausible explanation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of two cases. It is further submitted that the victim herself has instituted the instant FIR wherein she has specifically alleged that petitioner used to behave inappropriately with her but out of fear that her parents would discontinue her study as such she was not disclosing the



misbehaviour being meted out to her by the petitioner. It is next submitted that from tenor of the allegation, it manifests that when the informant was not able to bear the act of the petitioner as such she had no option but to institute the case. It is also submitted that no doubt, there is a delay of two days but then when such cases are instituted the family takes a decision.

7. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Thakraha P.S. Case No. 23 of 2024 pending in the Court of learned Special Judge, POCSO, West Champaran at Bettiah/Successor Court.

8. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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