

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64315 of 2023

Arising Out of PS. Case No.-409 Year-2022 Thana- CHHATAPUR District- Supaul

Deepak Kumar Son Of Santosh Mukhiya Resident Of Village- Ward No. 11,
Chhatapur, Ps- Chhatapur, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chhatapur P.S. Case No.409 of 2022, F.I.R. dated 06.11.2022 registered for the offence punishable under Sections 323, 341, 354(B), 376, 511, 324, 504, 506/34 of the IPC and Section 8/17 POCSO Act.

3. The prosecution case, in short, is that on 11.10.2022, informant husband was out of village and she had gone to work in School, leaving behind her 14 years old daughter, sleeping in the house, meanwhile accused Deepak Kumar entered inside informant's house, climbed at the body of informant's minor daughter and started pressing her body and started pressing her private part when victim shouted for help, accused Deepak Kumar slapped and strangulate her neck, when



victim started shouting loudly, neighbor Munni Devi & Sharddha Devi reached there and accused Deepak Kumar rushed away from the spot. Thereafter Munni Devi & Sharaddha Devi informed the informant about the incident. On 11.10.2022, informant approached Mahaveer Mukhiya to raise complaint about the conduct of Deepak Kumar then he turned furious and directed another accused persons to undress and assault the informant. Thereafter, all the accused persons started assaulting to the informant, accused Santosh Mukhiya dragged her hairs and saree, Aashish Kumar dashed her with fists & slaps, rest of the accused persons have assaulted her with 'Lathi-danda.' When informant daughter (Victim), Munni Devi & Shradddha Devi attempted to intervene in order to rescue informant, they also got assaulted by the accused persons. Accused Santosh Mukhiya threatened the informant of dire consequences in case of filling any criminal case against them. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned APP for the State vehemently opposed the



prayer for anticipatory bail of the petitioner stating that the victim has fully supported the prosecution and statement of the victim was recorded under Sections 164 of the Cr.P.C., in which she has fully supported the case of the prosecution and categorically stated that the petitioner had tried to commit rape upon her and apart from that the victim was minor on the date of the occurrence.

6. Considering the aforesaid facts, I am not inclined to giving privilege of anticipatory bail to the petitioner in connection with Chhatapur P.S. Case No.409 of 2022 pending in the court of learned Special Judge Exclusive POCSO Court, Supaul.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Prakash Narayan

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