

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71782 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- BHORE District- Gopalganj

Amod Kumar Chauhan @ Amod Kumar @ Amod son of Dev Narayan Chauhan @ Dew Narayan Chauhan, resident of Village- Bankaata Mal, Police Station- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72700 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- BHORE District- Gopalganj

Shailesh Kumar Chauhan @ Bhola Chauhan @ Shailesh son of Dev Narayan Chauhan @ Dew narayan Chauhan, resident of Village- Bankata Mal, Police Station- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71782 of 2023)

For the Petitioner/s : Mr. Rajesh Roy, Advocate
For the Informant : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 72700 of 2023)

For the Petitioner/s : Mr. Rajesh Roy, Advocate
For the Informant : Mr. Pankaj Kumar Dubey, Advocate
For the State : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Rajesh Roy, learned counsel for the

petitioners, Mr. Pankaj Kumar Dubey, learned counsel for the

Informant and Mr. Md. Aslam Ansari, learned APP for the State.

2. The petitioners are apprehending their arrest

connection with Bhore P.S. Case No. 155 of 2023, F.I.R. dated



13.04.2023 registered for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code and later on Sections 376(D)(A) of the Indian Penal Code as well as Section 4 and 6 of the POCSO Act were added.

3. The prosecution case, in brief, is that on 10.04.2023 informant's minor daughter aged about 16 years went out to relieve herself but she did not return back. Thereafter, the informant and her family members started searching the victim and they came to know that on the pretext of marriage the victim has been enticed away by the accused persons including the petitioner under conspiracy.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioner and the date of occurrence as alleged in the F.I.R. is 10.04.2023 but the present F.I.R. was instituted on 13.04.2023 after delay of three days without giving any explanation of delay.

5. Learned counsel for the Informant as well as



learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that the victim was recovered and her statements were recorded under Section 164 of the Cr. P.C. as well as Section 161 of the Cr. P.C. in which she has categorically stated that the petitioners have committed rape upon her.

6. Considering the aforesaid facts that there is direct allegation against the petitioners that they have committed the rape upon the victim and the victim has supported the case of the prosecution, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Bhore P.S. Case No. 155 of 2023 pending in the Court of learned With Additional Sessions Judge-cum-Special Judge (POCSO), Gopalganj corresponding to PTN -1430 of 2023.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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