

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83260 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- MAIGRA District- Gaya

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MOHIT KUMAR SAO @ MOHIT KUMAR SON OF MUKESH SAW R/O
VILLAGE- BARHA, P.S.- DUMARIYA, DIST.- GAYA, BIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DEEPAK KUMAR SON OF RAJENDRA BHARTHI R/O VILLAGE-
BIKNA KALA, P.S.- MAGRA, DIST.- GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mrs.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner seeks regular bail in connection with
Maigra P.S. Case No. 68 of 2023, registered for the offence
punishable under Sections 376 of the Indian Penal Code and
Sections 3(1) (w)(i)/3 (2) (v) of the SC/ST Act and Section 4/6
of the POCSO Act.

3. As per F.I.R., allegation against the petitioner is that
he established the physical relationship with the sister of the
informant on the promise of marriage and later on he refused to
marry with the victim girl.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. Petitioner has no criminal antecedent. He submits that victim has supported the prosecution case in statement under Section 164 Cr.P.C. but in the medical report age of the victim is shown as 18 to 19 years old. There is no sign of rape on the victim. There is delay of 8 months in lodging the F.I.R.

5. Learned APP has opposed the prayer for bail.

6. Considering the aforesaid submission of the parties and also nature of offence, I am not inclined to grant anticipatory bail to the petitioner.

7. Hence, his prayer for anticipatory bail stands rejected.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Ranjeet/-

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