

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79553 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- MAHILA P.S. District- Madhubani

MANOJ JHA Son of Maheshwar Jha R/O Village and P.O.- Jhanjharpur
(Purani Bazar), P.S.- Jhanjharpur, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Madhubani Mahila P.S. Case No. 19 of 2023 registered for the offences punishable under Sections 376, 506 & 34 of the Indian Penal Code and Section 4/6 of the POCSO Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to commit penetrative sexual assault/rape upon daughter of the informant who is none but his daughter also.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has been falsely implicated in the present case out of matrimonial discord with his wife who living with her parents in her parental village. It is submitted that when a dispute related with thread ceremony surfaced in the family, the present false case was lodged against him on the instance of informant by instigating his minor daughter. It is further submitted that F.I.R. was lodged after about two months of the alleged occurrence where as per medical report, the occurrence is of recent penetrative sexual intercourse which creates a doubt on it's face regarding entire allegation. Learned counsel submits that petitioner has got clean antecedent.

5. Learned A.P.P. for the State while opposing the prayer for anticipatory bail of the petitioner, submitted that petitioner is none but the father of the victim who committed penetrative sexual assault/rape upon her minor daughter aged about 16 years. Learned A.P.P. further submits that medical report appears in full corroboration with allegation as raised and, moreover, victim herself supported the entire allegation as raised by the informant through her statement



recorded under Section 164 of the Code of Criminal Procedure (in short, the “Cr.P.C.”).

6. In view of the aforesaid factual submissions as the victim specifically alleged petitioner to commit rape/penetrative sexual assault upon her, through her statement recorded under Section 164 Cr.P.C., accordingly, prayer for anticipatory bail of the petitioner is hereby rejected.

(Chandra Shekhar Jha, J.)

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