

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81737 of 2024

Arising Out of PS. Case No.-323 Year-2024 Thana- HARNAUT District- Nalanda

Kush Kumar Son of Gulcharan Mahto Village- Dihra P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Late Ramadhin Mahto (Mother of Victim Girl) R/O Village- Dihra P.S.- Harnaut, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Harnaut Police Station Case No. 323 of 2024, dated 13.08.2024, disclosing offences under Sections 65(2) of the Bharatiya Nyaya Sanhita and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.
3. The prosecution case, as per the First Information Report, is that on 13.08.2024, while the informant, minor in age, went outside for nature's call, in the meanwhile, the petitioner caught the informant, pressed her mouth and committed rape upon her. When the informant raised



alarm, the petitioner fled away. It has further been alleged that after coming into the knowledge, when the informant's mother went to the house of the petitioner to enquire about the same, she was abused by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged and has falsely been implicated in the present case due to village politics. He next submits that during medical examination no injury has been found on private parts of the victim girl. He further submits that the petitioner is a married person and has been made accused on the basis of false and concocted story.
5. Having regard to the submissions made on behalf of the parties and taking into consideration gravity of the offence and severity of the punishment and the fact that during medical examination the age of victim girl has been assessed to be 14 to 15 years, which would be evident from impugned order, and in the statement recorded under Section 183 of the BNSS, the allegation has been supported by the victim girl, I am not inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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