

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86026 of 2023

Arising Out of PS. Case No.-478 Year-2023 Thana- SIKARPUR District- West Champaran

1. Mankeshwar Ram @ Bahira S/O Jhagru Ram @ Mahabir Ram R/O Village- Rajpur Mathiya, Ps. Sikarpur, Dist. West Champaran
2. Shyambabu Ram S/O Rajesh Ram R/O Village- Rajpur Mathiya, Ps. Sikarpur, Dist. West Champaran
3. Prakash Ram S/O Janardan Ram R/O Village- Rajpur Mathiya, Ps. Sikarpur, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners seek anticipatory bail in connection with Sikarpur P.S. Case No. 478 of 2023, registered for the offence punishable under Sections 147, 148, 447, 341, 323, 504, 506, 379, 354, 354A, 354B of the Indian Penal Code and under Section 8/12 of the POCSO Act.

3. As per F.I.R., allegation against the petitioners are that they had sexually abused the informant.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case. He further submits that as a matter of fact occurrence took place on 02.06.2023 but the F.I.R. has been lodged on 06.06.2023 just



after delay of four days. He further submits that the uncle of the petitioner no. 2 has lodged a counter case against the prosecution party after delay of eight days.

5. Learned APP has opposed the prayer for bail and submits that there is also POCSO Act against the petitioners and petitioners have sexually abused the informant. There is also compromise between the both parties.

6. Considering the aforesaid submission of the parties and also there are allegation related to POCSO Act against the petitioners, hence, I am not inclined to grant anticipatory bail to the petitioners.

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

8. However, if the petitioners surrender 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)

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