

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8990 of 2025

Arising Out of PS. Case No.-631 Year-2023 Thana- MADHUBAN District- East Champaran

Ajay Kumar @ Ajay Sahani S/O Banarasi Sahani Resident of village- Lahee,
P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hargen Sahani S/O Late Genur Sahani @ Goneur Sahani Resident of village- Lahi, Ward no.-3, P.S.- Madhuban, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-03-2025 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mr. Narsingh Tanti, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 631 of 2023, F.I.R. dated 28.12.2023 registered for the offences punishable under Sections 376(AB), 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 4, 6 of the POCSO Act.

3. Allegation against the petitioner is that he entered into the house of the informant and forcibly carried his minor daughter inside the house and after putting her into fear of death established physical relationship with her.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has 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 petitioner has not committed any offence as alleged in the F.I.R.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that it appears from the F.I.R. that there is direct allegation against the petitioner that he has threatened the victim and he has made physical relation with her and apart from that the victim has supported the case of the prosecution in her statements recorded under Section 161 of the Cr. P.C./Section 180 of BNSS, 2023 as well as Section 164 of the Cr. P.C./Section 183 of BNSS, 2023 and the learned Judicial Magistrate has assessed the age of the victim as 12 years.

6. Considering the aforesaid facts and circumstances of the case as well as there is direct and specific allegation against the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Madhuban P.S. Case No. 631 of 2023 pending in the Court of learned 7th Additional Sessions Judge-cum-Special Judge POCSO Act, Motihari, East Champaran.

7. Prayer is refused.

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(Rajesh Kumar Verma, J)

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