

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73581 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHILA P.S. District- Nawada

Santosh Kumar Son of Ram Bhawani Mahto R/O Vill.- Bara(Ijra), P.O.-
Sundari Dumri, P.S.- Kawakole, Dist.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Kumari D/o Madhusudan Yadav Under the Guardianship of His
Father Madhusudan Yadav. R/o Vill. and P.O.- Nawadih, P.S.- Rupau, Dist.-
Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Sanjay Kumar Sinha, learned counsel

for the petitioner and Mr. Navin Kumar Pandey, learned APP for

the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 38 of 2023, F.I.R. dated
29.09.2023 for the offences punishable under Sections 328, 363,
376/34 of the Indian Penal Code and Section 4 of the POCSO
Act.

3. According to prosecution case, this petitioner with
the help of other accused persons have kidnapped the victim and
several times committed rape upon her.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



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 offences as alleged in the F.I.R.

5. Learned Additional Public Prosecutor on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim has been recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has abducted her and has also committed rape upon her. He further submits that on the date of occurrence the victim was minor.

6. Considering the allegation as alleged in the F.I.R supported by the statement of victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Mahila P.S. Case No. 38 of 2023 pending in the court of Additional District & Sessions Judge VI cum Special Judge (POCSO Act) Nawada.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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