

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3953 of 2019

Arising Out of PS. Case No.-240 Year-2013 Thana- GHANSHYAMPUR District- Darbhanga

Dhananjay Kumar Singh @ Lal Babu Singh, son of Ram Krishna Singh
Resident of village -Bhadoun, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-03-2019 The petitioner apprehends his arrest in connection with
Ghanshyampur P.S.Case No. 240 of 2013 registered under
Sections 376 and 386 of the Indian penal Code.

Allegation as per complaint petition which has been
registered as FIR is that complainant was living in her *Maika*
due to illness of her husband and petitioner developed
relationship and used to make physical relationship with her and
later on he tried to grab the property. It is also alleged that on the
date of occurrence, petitioner entered inside the house and
committed rape upon her.

Submission of learned counsel for the petitioner is that
FIR itself shows that she was a consensual party and
furthermore witness including the family members of the
petitioner has stated before the police that due to land dispute



present case has been lodged.

Heard learned APP also who has opposed the prayer for anticipatory bail on the ground that independent witnesses have also supported the second part of the occurrence that on the date of occurrence he had entered inside the house and committed rape upon her.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order and on the basis of material available on record as well as on submission as raised by learned counsel for the petitioner, if possible, on the same day.

(Vinod Kumar Sinha, J)

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