

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2365 of 2020**

Arising Out of PS. Case No.-113 Year-2019 Thana- SINGHWARA District- Darbhanga

=====

DHIRAJ SINGH @ DHIRAJ KUMAR SINGH S/o Indu Singh R/o village-  
Bharwara, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Adv

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      01-10-2020                      The matter has been taken up through video  
conferencing.

Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a  
case registered for the offences punishable under Sections  
376,504,506,34 of the Indian Penal Code and Section 4 of  
POCSO Act.

According to FIR, the petitioner allegedly sexually  
assaulted to the informant, who is a minor girl. The victim has  
supported the allegation in her statement under Section 164  
Cr.P.C.

Learned counsel for the petitioner submits that the



case diary would reveal that there is no witness even to see that the petitioner had ever entered into the house of the informant rather the allegation shows that victim was a consenting party. Further submission is that the medical report would show that the victim refused to undergo medical examination to ascertain sexual assault rather only her age was assessed by the Medical Board.

Considering the fact that consent of the minor is immaterial and the victim cannot be disbelieved at this stage, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Singhwara P.S.Case No.113 of 2019 pending in the court of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Darbhanga. Prayer is refused.

Petitioner is directed to surrender and pray for regular bail within two weeks.

**(Birendra Kumar, J)**

Nitesh/-

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