

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41470 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- SONEPUR District- Saran

CHANDAN KUMAR Son of Tarkeshwar Ray Resident of Village- Sabalpur,
Newal Tola, Police Station- Sonepur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari Daughter of Sipahi Prasad Resident of Village- Teen
Bhadia, Police Station- Badhariya, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate Mr.Syed Masleh Uddin Ashraf, Adv.
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard the parties.

A supplementary affidavit has been filed in the Court today on behalf of the petitioner. The same is taken and kept on record.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 376(D) of the IPC.

Allegedly, the FIR named accused persons have committed rape upon the informant/victim.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. Petitioner was not named in the First Information Report and



his name transpired in this case on the basis of confessional statement of co-accused Monu @ Munna Kumar. Learned senior counsel further submits that he has mentioned in the supplementary affidavit that petitioner is not a son of Mukhiya. At para-2 of the supplementary affidavit, it is specifically mentioned that at no point of time, either prior to the alleged occurrence or after the occurrence, the father of the petitioner was a Mukhiya of any Gram Panchayat and the petitioner was not a member of perpetrators. It is further submitted that the medical report of the victim also shows her age as 20 years and there is no evidence of recent sexual intercourse. It is submitted that there is a compromise between the parties and the said compromise has been filed in the learned court below. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on behalf of the petitioner named above is hereby rejected.

However, petitioner is directed to surrender before the learned Court below and seek regular bail and the learned



Court below would pass the order, preferably, on the same day, in accordance with law, considering that there is a compromise between the parties and father of the petitioner was never any Mukhiya.

(Anjani Kumar Sharan, J)

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