

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42835 of 2022**

Arising Out of PS. Case No.-143 Year-2022 Thana- DANAPUR District- Patna

SURAJ KUMAR @ SURYA @ SURYA KUMAR Son of Baijnath Singh R/o
- Bherahariya, P.O.- Siyarampur, P.S.- Paliganj, District - Patna, Pin Code -
801110. At Present - Urja Nagar, P.S. - Danapur, Town and District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi

For the Opposite Party/s : Mr. Vinay Mistry

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-12-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 376(D), 504, 506, 34
of the Indian Penal Code, section 67, 67(A) of I.T. Act 2000 and
section- 4 of POCSO Act.

Allegedly, co-accused Mantosh Kumar in association
with the the petitioner and other accused person raped the
informant and made video thereof. It is further alleged that they
threatened the informant to make video viral if she discloses
about the occurrence to anyone.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He is not named in the FIR and has been falsely implicated in this case. The specific allegation is against the co-accused Mantosh Kumar. He submits that the petitioner is aged about 55 years, but in the FIR it is wrongly mentioned as 35 years. He further submits that on the date of occurrence the victim was major, therefore, POCSO Act is not applicable in the present case. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.PC.

Having regard to the facts and circumstances of the case, since the victim has supported the prosecution case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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