

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14204 of 2023

Arising Out of PS. Case No.-43 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

RAJU KUMAR S/O HARENDRA MAHTO Resident of Village- Hirdopatti,
P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-07-2023

1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 448, 376, 504 and 323/34 of the Indian Penal Code as well as Sections 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

4. The informant alleges that petitioner in the night entered her house and raped her and when she screamed her father woke up then the accused fled away.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant and the petitioner were known to each other and he had gone to meet her and when her father woke up



he fled away. It is further submitted that though it has been alleged that the informant was raped but then the medical report does not support the allegation of rape and there is delay of three days in instituting the FIR. Learned counsel, at the cost of repetition, submits that petitioner is a person with clean antecedent, is a young boy aged about 22 years, is a student and was known to the informant.

6. After making submission, learned counsel for the petitioner seeks permission to withdraw this application for grant of anticipatory bail.

7. Permission is accorded.

8. Accordingly, this application for grant of anticipatory bail on behalf of the petitioner is dismissed as withdrawn in connection with Muzaffarpur Mahila P.S. Case No. 43 of 2020 pending in the Court of learned Special Judge (POCSO Act)-cum-Additional Sessions Judge-VII, Muzaffarpur/Successor Court.

9. However, if the petitioner surrenders on or before 01.08.2023, the learned trial court shall dispose of the prayer for regular bail on the same day, keeping in mind that the medical report does not support the allegation of rape.

(Satyavrat Verma, J)

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