

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55734 of 2022**

Arising Out of PS. Case No.-17 Year-2022 Thana- MAHILA PS District- Aurangabad

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DHANANJAY KUMAR @ MUKESH KUMAR SINGH @ MUKESH KUMAR SON OF KRISHNA MURARI SINGH R/O AHEAD OF MANJURAH MORE, P.S.- AURANGABAD (M), DISTT.- AURANGABAD, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avanish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard Mr. Avanish Kumar Singh, learned counsel
for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 17 of 2022 instituted under Sections 376 and 506 of IPC and Sections 3(1)(r)(s)(w)(I)(II)/3(2)(va) of SC/ST Act and Section 4 of the POCSO Act.

As per the prosecution story, the lady was living as a tenant in the house of the accused-petitioner. Further allegation is that on the fateful day, when she was having food, he entered and misbehaved with her. When she objected to it, she was slapped and later allegation is of raping her. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the



medical report does not support the prosecution theory and further the two sides have also come to the compromise table which has been annexed as Annexure-3 to the present petition.

Learned APP on the other hand submits that the allegation of rape is there as also Section 4 of the POCSO Act has been included and as such, has opposed the same.

Taking into account the nature of allegation, certainly this is not a fit case for extending the privilege of anticipatory bail which is accordingly rejected.

If the petitioner surrenders within four weeks from today, the materials on record be considered and order be passed expeditiously without being prejudiced by any observation made herein.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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