

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72435 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- UJIYARPUR District- Samastipur

SANJEET MAHTO @ SANJEET KUMAR Son of Vishawanath Mahto R/V-
Kerai, At present R/V- ward no. 2, Rupauli, Khurd, Mehshi, P.S- Vibhutipur,
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Ujiyarpur Police Station Case No. 266 of 2021,
dated 03.09.2021 disclosing offences under Sections 341, 504,
34, 354-A and 354-B of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the informant who is a young
married lady of 19 years of age, while she was alone in the
house, the petitioner, along with his accomplice, entered into her
house in the night and outraged her modesty. Upon alarm being
raised by the informant, the co-accused Kamlesh Kumar was
caught by the neighbour and villagers, however, the petitioner



succeeded in fleeing away.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and now the matter has been compromised between the informant and the petitioner.

I have heard learned counsel for the parties and perused the materials available on record. It transpires that the anticipatory bail application of the petitioner was earlier rejected by the learned Sessions Judge, Samastipur on 23.04.2022 passed in A.B.P. No. 673 of 2022 with a direction to the petitioner to surrender before the Court below and seek regular bail. Instead of surrendering himself, the petitioner has filed the second anticipatory bail before the learned Sessions Judge, Samastipur in A.B.P.No. 2525 of 2022 dated 23.09.2022, on the ground that the matter has been compromised. Learned Sessions Judge, after observing the aforesaid fact, has come to the conclusion that the allegation against the petitioner is not compoundable and has rejected the anticipatory bail application.

I have no reason to differ with the findings of the learned Sessions Judge. Accordingly, this anticipatory bail application is rejected.

If the petitioner surrenders before the Court



concerned within a period of two weeks from today, the learned Court below shall consider the case of the petitioner for regular bail in accordance with law and without being prejudiced by the rejection of this anticipatory bail application.

(Anil Kumar Sinha, J)

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