

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39459 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- MAHILA PS District- Aurangabad

Pradeep Saw @ Dippu Son Of Late Birendra Saw VILLAGE- ARTHUA, PS-
KASMA, DIST- AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUNITA DEVI WIFE OF BISHUNPAT DAS VILLAGE- ARTHUA, PS-
KASMA, DIST- AURANGABAD

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Aurangabad Mahila P.S. Case No. 13 of 2024 for the offence punishable under sections 376, 328 of the I.P.C., 4 of POCSO Act, 3(1)(r)(s)(w)(i)(ii) and 3(2)(v) of SC/ST (P.O.A) Act lodged on 20.02.2024 by the informant, Sunita Devi.

3. As per the prosecution story, the informant alleged that her daughter fell ill and the petitioner who claims himself to a doctor gave her injection. Next day, when the informant went on her duty, the petitioner came inside, the girl was alone and gave her injection after which she became senseless. The allegation is that thereafter he established physical relation with



his daughter. This followed the FIR.

4. Learned counsel for the petitioner submits that only on suspicion, he has been dragged in. He further submits that only saline water was given, there was nothing to show that she was made senseless and raped.

5. Learned APP, on the other hand, submits that a perusal of the petition itself would show that the girl in her 164 statement stated that she was full of pain below the waist and could feel that something wrong has been committed to her. He submits that in that background, when the age of the girl has been opined to be 16-18 years and the petitioner despite the fact that he is not a doctor keeps on visiting the houses in the garb of being a medical practitioner, he does not deserve relief.

6. Taking into account the allegation that has come against the petitioner and the submission of the learned APP, this Court is not inclined to extend him the privilege of anticipatory bail, the same is accordingly rejected.

(Rajiv Roy, J)

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