

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53422 of 2023

Arising Out of PS. Case No.-634 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Ajay Kumar Son Of Late Sharda Das @ Sardha Das Resident Of Village
Chaturipunas Chhoti Kothiya, Ps- Ahiyapur Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Ahiyapur P.S. Case No. 634 of 2022 registered for the offences punishable under Section 376 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Muzaffarpur.

3. As per the prosecution case, allegation against the petitioner is that he tried to commit rape upon the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the sister of the petitioner was ravished by Ashok Kumar for which Ahiyapur P.S. Case No. 116 of 2020 was lodged under



Section 376 of the I.P.C., and also under the POCSO Act by the brother of the petitioner, Sanjay Das, and to obtain the compromise in the aforesaid case, present case has been lodged by the informant, who is daughter-in-law of Fauzdar Sahni. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that there is specific allegation against the petitioner.

6. Considering the facts and circumstances of case and nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent and the medical report does not reflect any sign of sexual assault upon the informant.

(Anjani Kumar Sharan, J)

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