

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.493 of 2025

Arising Out of PS. Case No.-196 Year-2024 Thana- BELHAR District- Banka

Rakesh Rajak @ Sanser Rajak @ Rakesh Kumar Rajak S/o- Titu Rajak
Village- Chhagarchara Tola Baghauniya PS- Belhar Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-02-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Belhar PS case no. 196 of 2024, disclosing
offences punishable under Section 354(B) and other allied
sections of the Indian Penal Code and Section 8 of POCSO
Act.
3. The prosecution story, as per the First
Information report, is that on 10.06.2024, informant went to
the hand-pump installed at the house of the petitioner for
washing clothes. In the meantime, petitioner reached at the
house of the informant and molested her minor handicapped
daughter and also disrobed her. When the informant returned



back to her house, she saw that the petitioner was misbehaving with her daughter. Then, she went to the house of the petitioner to complain about the same but there, the other accused persons abused her and also threatened to kill her.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to the land dispute existing between the parties. He further submits that the present case appears to be an afterthought, inasmuch as the incident occurred on 10.06.2024, however the F.I.R. has been lodged on 13.06.2024. He also submits that the matter has been compromised between the parties.

5. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including the impugned order.

6. The allegation against the petitioner is that he sexually abused the 12 years old deaf and dumb daughter of the informant, which was seen by informant.

7. In the case of State of *Madhya Pradesh v. Madan Lal*, reported in *(2015) 7 SCC 681*, the Supreme Court has held that in case of sexual offence, the concept of compromise specially in the form of marriage between the accused and the



prosecutrix shall not be thought of and the Courts are to remain away from this subterfuge to adopt a soft approach to the case. Any such attempt would be offensive to the woman's dignity.

8. The supreme Court, in the case of *XYZ and Others v. The State of Madhya Pradesh (AIR 2021 SC 1492)*, has directed that the Courts while adjudicating cases involving gender related crimes, should not suggest or entertain any notions (or encourage any steps) towards compromises between the prosecutrix and the accused to get married, suggest or mandate mediation between the accused and the survivor, or any form of compromise as it is beyond their powers and jurisdiction.

9. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

10. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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