

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77134 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA P.S. District- Araria

Md. Musi Raza, age 23 Son of Md. Mustaq Resident of Pethia P.S. Simraha,
District - Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Mishra, Advocate
For the State	:	Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 376, 504 and 506/34 of the Indian Penal Code and Section 3/4 of the POCSO Act registered in connection with Spl. (POCSO) Case No. 19 of 2018 arising out of Araria (Mahila) P.S. Case No. 33 of 2018.

3. It is submitted that the petitioner has been falsely implicated only to put pressure on him to marry with the informant. As a matter of fact, the informant had voluntarily established physical relation with the petitioner. Statement is made at the Bar that according to the medical report of examination of the victim on 24.04.2018, she was found to be 18 to 20 years of age. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing suo motu vehemently opposes the anticipatory bail petition, submitting that there is direct allegation against the petitioner of forcibly committing rape upon the informant and preparing video on his mobile with threat to upload the video on the



internet. There is specific accusation that the petitioner established physical relation with the informant between 11.04.2018 and 15.04.2018 on the promise of marriage and as such, the informant's consent was not freely obtained.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

6. The petitioner will be at liberty to move learned court below and in such event, the same shall be decided expeditiously on its merits.

BT/Chandran

(Vikash Jain, J)

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