

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14450 of 2020

Arising Out of PS. Case No.-557 Year-2019 Thana- JAKKANPUR District- Patna

MUNNA MALAKAR Son of Late Sohan Mali Resident of Village -
Kumhartoli, P.O.- Manpur, P.S.- Buniyadganj (Muffasil), District- Gaya. At
present Resident of Mohalla - Maruti Nagar, Postal Park, P.S.- Jakkanpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 26-11-2020 The learned counsel for the parties were heard
yesterday at length and the instant case has been listed today
“For Orders”.

The petitioner apprehends his arrest in connection
with Jakkanpur P.S. Case No. 557 of 2019 for the offence
punishable under Sections 376, 328 and 506 of the Indian Penal
Code.

The case of the prosecution, as per the FIR, is that
the elder sister of the informant was married to the petitioner
herein and said marriage was solemnized 16 years back,
however, the petitioner did not use to keep the elder sister of the
informant, hence, the elder sister of the informant used to stay
separately with her 10 years old daughter and the informant. It



is further alleged that since past six months, the petitioner had started coming to the house of the sister of the informant, however, he used to engage in indecent behaviour with the informant as also used to threaten her that he would kidnap his daughter and implicate her falsely in a fake case. It is also alleged that the petitioner used to pressurise the informant to engage in physical relationship with him. It is further alleged by the informant that subsequently the petitioner had taken the informant to his house and given her some medicines with water, whereafter she had become unconscious and when she regained consciousness, she found that her clothes had been opened and she was feeling uneasy and then she realized that the petitioner had committed misdeed with her. The informant has also stated that the petitioner had then threatened her that he was having her nude photographs and if she told anyone about the incident and if she did not maintain physical relationship with him, he would make her photographs viral.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has referred to the Whatsapp chat in between the petitioner and the informant to show that they were



having good relationship from before. It is further submitted by the learned counsel for the petitioner that though the occurrence is stated to have taken place on 14.08.2019, but the FIR has been lodged belatedly only on 25.08.2019.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having heard the learned counsel for the parties and having gone through the materials on record as also the case diary in question, which contains the statement of the victim girl made under section 164 of the Cr. P.C. before the learned Magistrate, it is apparent that ample materials are available on record so as to *prima facie* establish the complicity of the petitioner in the alleged occurrence, hence, I do not find the present case to be at least a fit case for grant of anticipatory bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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