

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25562 of 2020**

Arising Out of PS. Case No.-82 Year-2020 Thana- RAGHOPUR District- Supaul

MD. JABBAR S/o- Md. Safid Resident of Village- Diwanganj, Panchayat  
Chilouni South, Ward No. 03, P.S.- Raghobpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr. Shailendra Kumar NO.1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      07-12-2020

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Raghobpur P.S. case No. 82/2020 registered under Section 376(3), 506/34 of the IPC and u/s 8/4 of POCSO Act.

The victim alleged that she had gone to cut grass in the field. The petitioner came and at the point of arms took her to a maize field. The petitioner committed rape with her. He also took video clip of sexual relation with informant. Other boys were also present there. Later on the petitioner became ready to marry with the informant but again he refused to marry with the informant.

The learned counsel for the petitioner submits that petitioner and the victim are of the same village. There was negotiation for marriage between the parents of the petitioner and the informant and the petitioner was having talk with victim from before but when the negotiation failed the victim made



false and fabricated allegation of forcibly establishing physical relation with her. It is submitted that victim also disclosed these facts in her statement u/s 164 of the Cr. P. C but from perusal of the FIR and the case diary, I find that the victim made allegation that firstly the petitioner forcibly established physical relation with her and when she tried to raise alarm the petitioner assured to marry with her but after some time the petitioner resiled from his undertaking to marry with the victim.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below after marrying with the victim, the learned court below shall consider the prayer for regular bail of the petitioner on merits without being prejudiced from this order.

**(Prabhat Kumar Jha, J)**

BKS/-

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