

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76803 of 2019

Arising Out of PS. Case No.-135 Year-2015 Thana- BAHADURGANJ District- Kishanganj

Anwarul @ Dilawar S/o Late Khasebul Rahman R/o village- Koyelpur
Dulali, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner

Versus

The State Of Bihar Bih

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-03-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Bahadurganj PS Case No.
135 of 2015 registered under Sections 370, 372, 328, 376, 506, 34
IPC and Section 12 of the Pocso Act.

Counsel for the petitioner submits that the prosecution
story prima facie is highly improbable as the medical examination of
the victim does not corroborate the repeated sexual assault alleged in
the FIR by several persons. The prosecution has been launched on
extraneous consideration to coerce the petitioner to solemnise
marriage with the victim and the petitioner and informant are cousin
sister and brother. It is further submitted that the prosecution has also
been lodged after considerable delay as the FIR disclosed allegation
dating at least one and half years prior to the date of institution.

Learned APP has opposed the prayer.

The victim has supported her allegations in the statement
recorded under Section 164 Cr.P.C. regarding rape being committed
by the petitioner and forcing her to establish sexual relation with
others based on monetary consideration.



Considering the rival submissions this Court does not find it a fit case for grant of anticipatory bail.

This application is dismissed.

The petitioner would be at liberty to raise these grounds in the court below which shall consider the same while considering his prayer for regular bail.

(Madhuresh Prasad, J)

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