

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8278 of 2020

Arising Out of PS. Case No.-43 Year-2019 Thana- KARAMCHAT District- Kaimur (Bhabua)

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MUSTAK ANSARI @ MD. MUSTAK ANSARI Son of Slauddin Ansari
Resident of Village-Amaw, Police Station-Karamchat, District-Kaimur at
Bhabhua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Pathak, Adv.
	:	Mr.Sada Nand Roy, Adv.
For the Opposite Party/s	:	Mr.Abhay Kumar Roy, APP.
For the Informant	:	Mr. Dhanendra Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 30-09-2021 Heard Mr. Rajesh Kumar Pathak, learned counsel

for the petitioner and Mr. Dhanendra Choubey, the learned

counsel for the informant. The State is represented by Mr.

Abhay Kumar Roy, the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Karamchat P.S. Case No. 43 of

2019 instituted for the offence under Section 376 of the

Indian Penal Code.

The accusation in the First Information Report is

that the petitioner accompanied the informant to a place in

Orissa, where he had sexual relationship with her on the



pretext of marrying her. She came back home and when her parents contacted the petitioner, he refused to marry on the ground of low descent of the informant / prosecutrix. The victim / prosecutrix has made her statement under Section 164 Cr.P.C. in which she has stated that she accompanied the petitioner of her own volition but for the purposes of marrying him. Later, the petitioner reneged on his promise of marrying her because she hailed from a low caste.

However, during the course of investigation the age of the victim was assessed by the medical team as 17 to 19 years.

The learned counsel for the petitioner has submitted that during the course of investigation, the informant /prosecutrix had disclosed that the case has been filed only under the pressure of her society and parents and she has also given a statement that no such occurrence as narrated by her in the F.I.R. or in the statement under Section 164 Cr.P.C., had ever taken place. It has also been submitted that the informant /prosecutrix has filed an affidavit stating that she is not interested in prosecuting the



petitioner any further as they had good relations from before.

However, these facts do not weigh with this Court for granting anticipatory bail to him in view of the categorical accusation against the petitioner of establishing sexual contact under the promise of marrying her and that also when her age was sixteen years.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, all the grounds noted above shall be taken into account and an order shall be passed without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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