

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24204 of 2020

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHILA P.S. District- Kishanganj

Anwar Alam, aged about 25 years, Male, Son of Nasiruddin @ Masiruddin,
Resident of Village - Danti, P.S.- Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Advocate
For the State : Mr.Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kishanganj, Mahila P.S. Case No. 48 of 2019 registered for the offences punishable under Sections 376, 341, 323, 354(C), 504, 34 of the Indian Penal Code.

Prosecution case in brief is that the informant stated that her near person Anwar Alam used to tell her to go to outside for earning and he used to talk her on phone. The petitioner used to home in Delhi – Bombay. She used to refused regularly. But whenever he comes to village, he allured her to provide good job for her. He will solemnize “Nikah”. He will pass happy life. She got impressed. The petitioner came 15 days prior to lodge F.I.R. in her field. He gave her one Chocolates. She got



unconscious like situation after eating Chocolate. She did not oppose. He brought her Danti Bus Stand. Thereafter, she was brought to Kishanganj. She sat in Train. When she got conscious, she found herself in a room of hotel. She asked him where to do he brought her. He told her that she was in Kanpur. He raped her without her consent by keeping her in fear. She began to weep. He shows the vulgar photo of her in mobile. He threatened and her if she tell to any one he would show the photo to everybody. But she was weeping continuously thereafter she was brought to Kishanganj. His father and brother was standing there both of them told Anwar to go. They began to abuse her and she was brought Kishanganj on Scorpio. She was left there she told everything to her family member. Her family told to Mukhia, Sarpanch regarding this matter. But they refused to tell Anwar. She further alleged that Anwar raped her by kidnapping her. He stood her objection of photo and vided his brother and father abused her and assaulted her.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that according to First Information Report, both petitioner and informant are next door neighbour and since they are friend they talked on mobile.



According to F.I.F., occurrence took place 15 days before lodging F.I.R. but there is no explanation of such delay. According to Medical Report, the informant is aged in between 18 to 20 years about 19 years but in F.I.R., she has claimed her age as 23 years. He further submits that the informant is questionable character lady as medical report dated 03.12.2019 shows molar pregnancy whereas occurrence took place within twenty days shows the conspiracy and concocted nature of prosecution story and malafide intention to put pressure for marriage.

Learned A.P.P. for the State has opposed the prayer for bail.

I have gone through the record and case diary. The statement of the victim girl has been recorded under Section 164 Cr.P.C.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the above named petitioner in connection with Kishanganj, Mahila P.S. Case No.48 of 2019 pending in the court of learned Sub Divisional Chief Judicial Magistrate, Kishanganj is hereby rejected. However, the petitioner is directed to surrender before



the court below and pray for regular bail and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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