

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38601 of 2020

Arising Out of PS. Case No.-29 Year-2018 Thana- INARWA District- West Champaran

Arfat Alam, aged about 20 years, male, son of Hakik Ansari @ Hakik Miyan,
Resident of Purainiya, P.S.- Mainatand, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-04-2021 Heard Mr. Bimlesh Kumar Pandey, learned

Advocate for the petitioner and Mr. Jharkhandi Upadhyay,

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Inarwa P.S. Case No. 29 of 2018,
dated 20.04.2018, instituted for the offences under Sections
376 and 120(B) of the Indian Penal Code and Section 6 of
the Protection of Children from Sexual Offences Act, 2012.



At the outset, learned counsel for the petitioner has submitted that no offence is made out against him and considering the paucity of materials against the petitioner, final report false was submitted by the police. However, differing with the police report, the Court below has taken cognizance against the petitioner. It has further been submitted that merely on the account of failure of keeping up the promise of marriage, the petitioner cannot be made to suffer incarceration in custody for the offence under Section 376 of the I.P.C. Apart from this, it has been submitted that the parties have settled their differences and the prosecutrix does not wish to prosecute the petitioner any further.

However, looking at the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below, after taking into account all the above-noted facts, shall pass orders in



accordance with law, without being prejudiced by the fact
that the present anticipatory bail application has not been
entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

