

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 430 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- DAGARUA District- Purnia

SANJAR ALAM Son of Master Md Shamsher Alam Resident of Village -
Dhapi Taria, P.S.- Dagaruwa, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Shailendra Kumar Dwivedi, Advocate
For the S t a t e	:	Ms Pushpa Sinha, APP
For the I n f o r m a n t	:	Mr Md Helal Ahmad, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Dagrauwa Police Station
(for brevity *PS*) Case No 77 of 2020 dated 13.06.2019 instituted
for the offence punishable under Sections 341, 323, 324, 379,
376, 504/34 (A) (B) of Indian Penal Code and Section 4 of
Protection of Children from Sexual Offences Act.

Informant has alleged that three years prior to the
occurrence, the petitioner established physical relation with her
forcibly. The same has continued for three years based on
threats of making viral some video. Recently, petitioner took
the informant for solemnizing marriage but his family members
have objected to the same and assaulted the informant.



Petitioner's counsel submits that five persons have been named, but only petitioner has been charge sheeted. The prosecution case, alleging forced physical relation for the last three years, appears highly improbable. Even, as per the prosecution case, the petitioner had taken the victim for solemnizing marriage, and that the petitioner is in custody since 06.10.2020.

Learned counsel for the informant and the learned APP for the State submit that the victim is a minor. Cognizance has been taken for the offence punishable under Sections 376, 354B and other allied sections of IPC along with Section 4 of POCSO Act. In spite of filing a petition in the Court below that petitioner is ready and willing to marry the victim, he has not done so.

Having regard to the submissions advanced by the parties and the allegation made by the minor informant that petitioner has subjected her to rape for three years, this Court, for the present, is not inclined to grant bail to the petitioner. Prayer is rejected.

(Madhuresh Prasad, J)

M.E.H./-

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