

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11924 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- MAHILA P.S. District- Patna

PAWAN KUMAR S/o Ganaur Rai @ Gonor Roy R/o Village- Mithan Saray,
P.O. Village- Mithan Saray, P.O.- Mustafapur, P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Spl.(POCSO) Case No. 168 of 2021 arising out of Mahila P.S. Case no. 139 of 2021 instituted for the offence under Sections 506, 376 and 312 of the Indian Penal Code and Section 4 of POCSO Act.

The case of the prosecution is that the petitioner had committed rape upon the informant while she was minor and a student of matric in the year 2015. Allegation is that on 18.12.2015 when the informant was alone at her house, the petitioner committed rape with her and took her nude



photographs. On the basis of those photographs, petitioner repeated the offence of rape many a times as a result of which informant got pregnant twice and petitioner got her pregnancy aborted by administering medicines. It is further alleged that after marriage of informant, petitioner tried to make physical relation with the informant again and on denial, he threatened her to show her nude photographs to her husband and other family members. Lastly, it is alleged that on 16.11.2021 while the informant was returning from Tripolia Hospital along with her brother, she was chased by petitioner. He tried to kidnap her and threatened to kill her.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner and informant both are relatives. He is an Engineer and is working in Tata Steel Ltd. Jamshedpur. On the earlier alleged date of occurrence, he was appearing in the examination. On 16.11.2021 he was on duty. It is further submitted that as a matter of fact petitioner had given a loan of Rs.2,00,000/- to the brother of the petitioner and on demand being made by him to repay the loan amount, this false case has been lodged.

On the other hand, learned counsel for the State



opposed the prayer for bail. He submitted that in the statement recorded under Section 164 Cr.P.C. the informant has clearly stated that petitioner had committed rape upon her and after her marriage, he is harassing her and threatening her to continue the physical relationship with her on the pretext of making her photographs viral. In view of serious allegation against the petitioner, he does not deserve bail.

Having heard learned counsel for the parties and going through the impugned order dated 19.10.2022 this Court is not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merits without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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