

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16247 of 2022**

Arising Out of PS. Case No.-170 Year-2020 Thana- MAHILA P.S. District- Nalanda

AJAY KUMAR SON OF KRISHNA CHAUHAN R/O VILLAGE-
JIYAPUR, P.S.- WARISALIGANJ AND DIST.- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr. Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-11-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 376 of the Indian Penal Code and u/s 4/6 of POCSO Act.

As per the prosecution case, this petitioner committed sexual assault upon the victim on false promise of marriage.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. There was love affairs between the petitioner and the victim. The medical board assessed the age of victim as 19 years and no sign of recent sexual was found on her person. During the course of investigation it has come in paragraph 50 of case diary that victim was married with one Birbal Kumar and since she did not like her husband she fled away with this petitioner as



she was interested to marry with him. The police after investigation submitted final form against this petitioner. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that victim in her statement u/s 164 of the Cr. P. C. supported the prosecution case and alleged that petitioner established physical relation with her on false assurance of marriage.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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