

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44067 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- BAHERI District- Darbhanga

NIRAJ KUMAR Son of Ram Kumar Yadav Resident of Village - and P.O.-
Baskath, P.S.- Baheri, Dist.- Darbhanga, Pin - 847201 (Bihar)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-06-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard, learned counsel for the petitioner as well as
learned counsel for the informant and learned additional P.P for
the state.

The petitioner apprehends his arrest in connection with
Baheri P.S. Case No. 56 of 2021, registered for the offences
punishable under Sections 376 of the Indian Penal Code and Section
4/8 of the Prevention of Children from Sexual Offences Act.

As per FIR, the prosecutrix is a girl of 16 years. She
made allegation against the petitioner that at the pretext of
marriage, he continuously made sexual relation with her for two
years. On 2nd March, 2021, also the petitioner committed rape
upon the prosecutrix. There is also the allegation against the
petitioner that he forcibly terminated the pregnancy of the



prosecutrix.

The learned counsel for the petitioner has submitted that the present case has been filed only with intention to extort money from the petitioner.

On the other hand, the learned APP and the learned counsel for the informant have opposed the prayer for bail.

Impugned order shows itself that the victim in her statement under Section 161 as well as Section 164 of the Code of Criminal Procedure has reiterated her earlier version in the FIR. She is a minor girl. The case has been registered under Section 376 of the Indian Penal Code as well as Section 4/8 of the POCSO Act and the witnesses in paragraph Nos. 5, 9, 60, 85, 88, 134 and 135 of the case diary have fully supported the occurrence. I do not think it to be fit case for anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

SONALI/ADITI

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

