

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50847 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- KANHAWLI District- Sitamarhi

KADIR MANSURI @ ABDUL KADIR S/o Taslim Mansuri @ Md. Taslim
Miyan Resident of village- Parsauni, P.S.- Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr. J.N.Thakur, APP

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

ORAL ORDER

3 06-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State, assisted by learned counsel for the

informant.

The petitioner apprehends his arrest for the

offences alleged under Sections 366A and 376 of the Indian

Penal Code, registered in connection with Kanhauli P.S.Case

No. 48 of 2021.

As per the FIR, the parents of the prosecutrix are no

more in this world. Her marriage was solemnized with the son

of her maternal uncle. In order to look after her sister, the



prosecutrix used to go to her house where she came in contact with this petitioner. The petitioner, on the pretext of marriage, sexually exploited her and also made video clip. He threatened the prosecutrix to make the video viral. The prosecutrix went to Delhi with the petitioner and there also the petitioner had physical relation with her. He got her pregnancy terminated by administering medicines.

The learned counsel for the petitioner has submitted that he is innocent. The alleged relation does not come under the definition of rape as the offence was committed with consent. He has submitted further that the prosecutrix with her own sweet will went to Delhi with the petitioner. He has also submitted that she is major and a married girl.

The learned APP for the State as well as the learned counsel for the informant have submitted that the prosecutrix was an orphaned lady as is evident from the FIR and the petitioner not only exploited her sexually on the pretext of marriage, but also prepared video clip and threatened her to make it viral. He has next submitted that the prosecutrix in her statement under Section 164 of the Cr.P.C. has substantiated the entire occurrence and allegation.

Considering the above facts and circumstances,



especially the fact that the prosecutrix was sexually exploited and she has supported the entire occurrence in her statement under Section 164 of the Cr.P.C., I do not think it a fit case for anticipatory bail to the petitioner. His prayer for anticipatory bail is hereby rejected.

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

(Nawneet Kumar Pandey, J)

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