

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62743 of 2021**

Arising Out of PS. Case No.-328 Year-2021 Thana- FORBESGANJ District- Araria

MD ASFAQUE Son of Md. Rashid Resident of Village- Khairkhan Bocha
Bhag, Ward No.4, P.S.- Forbisganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sugandha Prasad

For the Opposite Party/s : Mr.Md. Ataur Rahman

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

3 18-07-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 354(A), 354(1), 504, 506 of the Indian Penal Code and Section 7 of POCSO Act.

As per the prosecution case, on the false promise of marriage, this petitioner established physical relation with the minor daughter of the informant.

It is submitted on behalf of petitioner that there is contradiction in the prosecution version, as alleged in the F.I.R. and in the statement of the victim recorded under Section 164 Cr.P.C. It is next submitted that in the F.I.R., the alleged occurrence took place on 05.03.2021, whereas, in the statement recorded under Section 164 Cr.P.C., the victim has stated 04.03.2021, as the alleged date of occurrence. It is further submitted that F.I.R. is anti-dated.



However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific and direct allegation against this petitioner of establishing physical relation with the victim on the false promise of marriage. The victim, in her statement recorded under Section 164 Cr.P.C., has disclosed her age to be 15 years.

Considering the aforesaid facts and circumstances as well as nature of accusation, I am not inclined to extend the privilege of anticipatory bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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