

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71253 of 2021**

Arising Out of PS. Case No.-100 Year-2019 Thana- JALALGARH District- Purnia

AFSAR @ AFSAR ANSARI R/o Raquib Ansari R/o village- Sonapur, P.S.-  
Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      18-07-2022                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Jalalgarh  
P.S. Case No. 100 of 2019 registered for the offence under  
Sections 366(A), 379 and 120(B) of the Indian Penal Code.

The petitioner is alleged to have made false promise  
of marriage and forcibly made physical relation with the  
informant.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
the alleged occurrence is stated to be during the period of  
06.02.2019 to 18.03.2019 whereas the complaint has been filed  
on 16.04.2019 after lapse of almost two months without



explaining the plausible delay which creates doubt over the prosecution version. He further submits that during course of investigation the witnesses have categorically stated that petitioner and the victim girl were having love affairs and on account of that the victim has eloped with the petitioner out of her sweet will, therefore, no case under Section 366A of the Indian Penal Code is made out against the petitioner. He further submits that the victim is 19 years of her age and is major, therefore, the allegation of establishing the physical relation is consensual. Hence, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 21.10.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the according to F.I.R. the petitioner has abducted the victim and established forceful physical relation with her on the pretext of marriage and subsequently refused to marry her. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she has been kidnapped by the petitioner and she was subjected to sexual assault on the false promise of getting her married. He further submits that the allegation levelled in the F.I.R. is corroborated with the



statement of the victim recorded under Section 164 Cr.P.C.

Considering the facts and circumstances of the case,  
this Court is not inclined to enlarge the petitioner on bail.  
Accordingly, the prayer for bail of this petitioner is rejected.

**(Rajesh Kumar Verma, J)**

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