

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16951 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- BARSOI District- Katihar

PRATAP KUMAR DAS @ PRATAP DAS Son of Bhawesh Das Resident of
Village - Kelabari, P.S.- Barsoi (Kachna O.P.), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-10-2023 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State along with learned

counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Barsoi (O.P. Kachna) P.S. Case No.283 of 2022, F.I.R. dated 16.10.2022 registered for the offence punishable under Sections 366, 120(B), 387, 376, and 323/34 of the Indian Penal Code.

3. As per the prosecution case, the complainant is a married lady and has got two children and she lives along with her husband in her in-laws-house at Kalabari and the accused persons used to quarrel with them. Further one month prior to the date of occurrence used to go to his work due to sickness of the complainant and in the absence of the her husband, Bina Devi used to come to complainant's house and hand over the



mobile phone of the complainant to her nephew and when the complainant objected, but there was no remorse of that. Due to this incident the petitioner became very angry and asked her why do you make phone call on my phone and even threatened her that if she did not obey her words then either your children or your husband will be killed. On 03.03.2022 at about 10.00 A.M. when the husband of the complainant went to his work place then Bina Devi came to her house and asked the complainant to prepare tea and when the complainant refused to prepare tea, then Bina Devi herself prepared tea and she sprinkled something in the tea and gave it to the complainant to drink it but when the complainant did not drink the tea then Bina Devi by forcibly give the tea to drink it and after taking tea, the complainant lost consciousness and taken the advantage of the situation they took her to Purnea in a Bolero and when the complainant regained her conscious then she started weeping then petitioner threatened her don't make noise otherwise she will be killed and your husband and children will be also killed. Thereafter, petitioner took her to Ludhiana by train and kept her in a room and used to ravish her against her will and after 5 days when the complainant started shouted and weeping then petitioner took her to her house. In the meantime on 03.03.2022



when the husband of the complainant did not find her then he also went to the house of accused person but they after abusing him sent him away. Then on 05.03.2022 the husband of the complainant filed a written report about the missing of his wife before Barsoi Police Station on 09.03.2022 the petitioner fled away after leaving the complainant to her house then she narrated the whole incident to her husband and then they went to police station but the Officer-in-charge suggested him to go before panchayat and solve their problem. On 10.03.2022 when the accused person came to know about this then they forcibly convened a panchayat and by executing an agreement that now onwards they will not abuse and assault them and in the night of 11.03.2022 in presence of husband mother and other persons they forcibly wanted to take her with them but due to hulla the accused person fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case merely on the basis of admitted land dispute between the parties. He further submits that from perusal of the FIR, it appears that the present occurrence had taken place on 11.03.2022 but the present FIR is instituted on 24.03.2022 after delay of thirteen days without giving any explanation of delay



and the petitioner is brother-in-law of the complainant/ informant. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand, on the basis of the material available in the case diary vehemently opposed the prayer for anticipatory bail of the petitioner stating that the victim has fully supported the prosecution and statement of the victim recorded under Sections 161 and 164 of the Cr.P.C., in both the statement, the informant has fully supported the case of the prosecution and categorically stated that the petitioner had committed rape upon her.

6. Considering the aforesaid facts, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Barsoi (O.P. Kachna) P.S. Case No.283 of 2022 pending in the court of learned A.C.J.M., 2, Katihar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Prakash Narayan

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

