

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20338 of 2023**

Arising Out of PS. Case No.-122 Year-2020 Thana- BATHNAHA District- Sitamarhi

ABHISHEK KUMAR SON OF RAM BABU RAI R/O VILLAGE- NATHU
TOLA BATHNAHA, P.S.- BATHNAHA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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

2 24-06-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under sections 376, 504, 506/34 of the Indian Penal Code and 4/6 of POCSO Act.

As per the prosecution case, petitioner is alleged to have committed rape and also made videography of the occurrence. It is further alleged that as a result of which the victim became pregnant and this petitioner took her to doctor and got abortion. The aforesaid fact is also supported by the victim in her statement made under Section 164 of the Cr.P.C.

Learned counsel for the petitioner submits that both the parties are next door neighbour and on 29.05.2020, the family members of the informant committed marpit with the mother of the petitioner, for which she has filed Complaint



Case No. 380 of 2020 in the court of learned C.J.M., Sitamarhi, against the family members of the informant. As a result, this false and concocted case has been lodged.

Learned counsel for the State opposes the prayer for bail and submits that there is specific and direct allegation against this petitioner for commission of rape.

Considering the nature and gravity of the offence, the prayer for pre-arrest bail is rejected.

(Prabhat Kumar Singh, J)

Alok Verma/-

U			
---	--	--	--

