

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29133 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- TERHAGACHH District- Kishanganj

Arif @ Arif Alam Son of Khairul Resident of village-DahiBhat, P.S.-
Terhagachh, District-Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ruma Praveen D/o Islamuddin Resident of village-Dahi Bhat, P.S.-
Terhagachh, District-Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Terhagachh P.S. Case No. 03 of 2023, registered on 11.01.2023 for the offences under Sections 323, 324, 325, 354, 376, 504, 506 of the Indian Penal Code and Sections 4 & 8 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, the minor informant, who used to do menial job in the house of the petitioner, was raped by the petitioner and later on, the mother of the petitioner assured her that her marriage would be solemnized with the



petitioner. However, subsequently a panchayati was held when the petitioner's side offered Rs.Two lakhs to the informant and refused to marry the petitioner with the informant. They also assaulted the family members of the informant when they refused and threatened that they all will be killed.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. Bare perusal of the FIR shows the date of occurrence is 20.09.2022, panchayati was held on 23.09.2022 and the FIR has been lodged after three and half months which creates doubt over the prosecution case. Learned counsel further submits that the family members of the informant want to get the informant married with the petitioner and when it was refused, the informant and her family members came at the house of the petitioner and assaulted the family members of the petitioner and for the said occurrence of 23.09.2022, a complaint case being Complaint Case No. 798 of 2022 has been lodged in the court of learned Chief Judicial Magistrate, Kishanganj.

5. Learned APP opposes the prayer for anticipatory bail submitting that there is specific allegation against the petitioner for committing rape with the minor informant and the complaint case has been lodged only with a view to save their



skin. It was lodged on 07.12.2022 and not immediately after the occurrence. Moreover, the prosecution witnesses have supported the prosecution case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the gravity and serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner and accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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