

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35333 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA P.S. District- Madhubani

SANNI KUMAR SAH @ ASHUTOSH KUMAR SAH @ AASHUTOSH KUMAR S/O JAIRAM SAH RESIDENT FO MOHALLA- MAHILA COLLEGE ROAD, MADHUBANI, WARD NO.2, P.S.- MADHUBANI TOWN, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 04-01-2023 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as Mr. Shailendra Kumar, learned APP for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 11 of 2022, registered for the offences punishable under Sections 376, 323, 504, 506 and 34 of the Indian Penal Code.

The prosecutrix lodged the FIR mentioning therein that the petitioner developed intimacy with her while purchasing



railway ticket. Thereafter, he used to go to the house of the prosecutrix and used to commit rape upon her at the pretext of marriage. Also, he exploited the prosecutrix sexually and denied to marry with her.

Learned counsel for the petitioner has submitted that there is inordinate delay in lodging of the FIR. He has also submitted that the victim has filed petition mentioning therein that she did not want to pursue the case.

On the other hand, the learned APP, Shri Shailendra Kumar has opposed the prayer for bail and submitted that the FIR itself shows that the victim is a girl, whose father has died much earlier. The petitioner allured her at the pretext of marriage and sexually exploited her. He has submitted further that the petition filed by the prosecutrix might have been obtained after inflicting coercion on her. He has also submitted that in the statement under Section 164 of the Cr.P.C., the prosecutrix has corroborated the allegation as mentioned in her *fardbeyan*.

In my view, the petitioner does not deserve the privilege for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided hereinabove,



failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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