

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38508 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- MAHILA P.S. District- Purnia

HANSRAJ BHARTI S/o- NAVAL KISHOR YADAV Village- Tetrahi Ward
No-5, PS- Janki Nagar Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No. 56 of 2022, registered for the offences punishable under Sections 376, 313, 504 and 506/34 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act.
3. The case of the prosecution, in brief, according to the informant, is that her daughter started crying on account of stomach pain, whereupon the informant had asked her as to what had happened, whereupon she disclosed that while she was going to study at the Golden Public



Coaching Centre, on the way, the petitioner had enticed her and taken her into bamboo orchard where the petitioner had raped her and snapped her nude photographs from his mobile. It is also alleged that the petitioner had threatened the minor daughter of the informant that he would make her nude photographs viral and on the said pretext he used to establish physical relationship with the daughter of the informant since five months resulting in the daughter of the informant becoming pregnant.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted that a false story has been cooked up in order to falsely implicate the petitioner and moreover the petitioner is a major, hence, if any incident, as alleged, has taken place, it is consensual in nature.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant



of anticipatory bail.

6. I have heard the learned counsel for the parties and perused the materials on record as also considered the facts noted in the impugned order dated 06.04.2023, from which it is apparent that a *prima facie* case is definitely made out as against the petitioner herein for the offences alleged inasmuch as the victim girl has corroborated the incident in her statement made under Section 164 Cr.P.C. before the learned Magistrate, hence at least the present case is not a case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

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

