

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39192 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

MUSLIM KHAN @ MURSALIN KHAN Son of Ali Ahmad Khan Resident
of village - Manpur (Biur), P.S.- Chainpur, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Chainpur P.S. Case No. 52 of 2023 registered for the offences punishable under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act, pending in the Court of learned Special Court of POCSO Act cum ADJ 4th, Kaimur at Bhabua.

3. As per the prosecution case, the petitioner is said to have dragged the daughter of the informant inside his house and threatened to kill her if she yells. It is also alleged that, on the pretext of marriage, he committed rape upon the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner and the victim is in love affair and both wants to live together. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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