

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47263 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA PS District- Jehanabad

=====

NAGENDRA KUMAR @ NARENDRA KUMAR SON OF BINDESHWAR
PRASAD VILLAGE SARWAN ROAD, BAIDARABAD, P.S. ARWAL,
DISTRICT ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-10-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Arwal Mahila P.S. Case No. 12 of 2023 dated 19/03/2023 registered under Sections 376 / 504 / 506 / 34 of the I.P.C.

3. As per the prosecution story on 18.02.2023 when the informant had gone to the house of her co-sharer / Sunil Kumar, the petitioner was already present over there. The co-accused / Sunil Kumar and his wife pushed the informant in a room, locked it from outside. The petitioner was already present inside the room and he committed rape upon the informant for about 4-5 times after putting cloth in her mouth. It has further been alleged that on 14-03-2003 the petitioner again came in the village of the informant as a member of a marriage party and



pressurized the informant to enter into physical relationship on that day which led to disclosure by the informant of this fact to her mother and the F.I.R. has been lodged thereafter on 19-03-2023.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to previous enmity between the co-accused / Sunil Kumar and the family members of the informant. He further submits that there was love affair of the petitioner with the informant and when the family members of the petitioner refused to solemnize marriage with the informant, the present FIR has been lodged after delay of one month. Learned counsel further submits that medical report does not disclose commission of rape upon the informant.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the prosecutrix / informant has made specific allegation regarding commission of rape by the petitioner when the informant had visited the house of her co-sharer / agnate. The petitioner is 45 years of age and the girl is aged about 19 years. Therefore, there cannot be any promise on the part of the informant to marry the petitioner, who is much older than the informant. The delay of one month in lodging the F.I.R. in the



present case is immaterial inasmuch as the petitioner being an aged person exploited sexually the informant, committed rape in the house of her relative and again tried to exploit the informant sexually, which led to the informant having disclosed the deeds of the petitioner to her mother and the F.I.R. has been lodged. The informant has supported the allegation against the petitioner in her statement recorded under Section 164 Cr.P.C.

6. Having heard learned counsel for the parties and taking into consideration the materials on record, the statement of the victim girl made in the F.I.R. as well as her statement recorded under Section 164 Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner.

7. The application stands rejected.

(Anil Kumar Sinha, J)

praful/-

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

