

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69421 of 2023**

Arising Out of PS. Case No.-188 Year-2022 Thana- KURSAKANTA District- Araria

Md. Mustajir @ Mustejab Son Of Md. Saiyub Resident Of Village - Lailokhar
Garaiya, Ward No.05, P.S. - Kursakanta (Kuwari), District - Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Kursakanta (Kuwari) P.S. Case No. 188 of 2022 registered for the offences punishable under Section 341, 376, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act, pending in the Court of learned A.C.J.M.-I, Araria.

3. As per F.I.R., allegation against the petitioner is that on the pretext of marriage, he has committing rape upon the informant for about six months. Later on petitioner refused the marriage due to non-fulfillment of the dowry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner and informants are from



same family and residing closely in the same village. He further submits that victim was major and with the consent of the victim, the said relation was made by the petitioner.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the victim is handicapped and the statement of the victim girl was recorded under Section 164 of Cr.P.C., in which she has supported the prosecution case.

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.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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