

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67011 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- SRINAGAR District- West Champaran

Yehsan Alam Son of Jahir Ansari Resident of Village- Gadiyani, P.S.-
Srinagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In this case, the petitioner is apprehending his arrest in connection with Srinagar P.S. Case No. 97 of 2022 registered for the alleged offences under Sections 420, 376, 504, 506 and 34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

As per prosecution case, the petitioner established physical relationship with the minor informant girl and on pretext of marriage and sexually exploited her. Thereafter, the petitioner refused to solemnize marriage with the informant and when the family members of the informant came to his house, the petitioner and his brothers assaulted the parents of the



informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as a pressure tactics. The parents of the informant put a proposal of the marriage of their daughter with the petitioner, but the parents of the petitioner refused to perform the marriage of the petitioner with the informant because of her ill reputation, and this caused annoyance to them, leading to the lodging of the present case. Learned counsel further submits that documents produced for date of birth, namely, the school admit card is a sham document and has been procured for the purpose of filing the present case. Moreover, from the FIR, it is clear that it is not a case of rape and victim being a major girl was a consenting party and the case has been lodged as the petitioner refused to marry with the informant. The petitioner is having clean antecedent.

Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner. Learned APP submits that there is specific allegation of commission of rape and sexual assault against the minor informant.

Having regard to the seriousness of nature of allegation against the petitioner, I do not think it is a fit case for



grant of anticipatory bail.

Hence, his prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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