

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75051 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA P.S. District- Sitamarhi

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Lalu Kumar S/O Ram Sagar Rai Village- Bedaul, Ps. Aurai, Dist.
Muzaffarpur-843117

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babani Devi W/O Bablu Singh Village- Manpur Ratnawali, Ps.
Runnisaipur, Dist. Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 376 (DA) of the Indian Penal Code and Section 4/6 of the POCSO Act pending in the learned court below.

3. As per the prosecution case, the allegation against the petitioner is to commit rape upon the informant's minor daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is love affairs between the petitioner and the victim girl and both have solemnized



marriage. He submits that the a medical board has examined the victim girl who assessed her age between 16 to 18 years. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the victim has supported the prosecution case, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 28 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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