

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80550 of 2023

Arising Out of PS. Case No.-386 Year-2022 Thana- BARAULI District- Gopalganj

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IMRAN ANSARI SON OF MUSTAFA ANSARI RESIDENT OF VILLAGE
- CHHOTA BARHEYA, P.S. - BARAULI, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Barauli P.S.
Case No. 386 of 2022 registered for the offences punishable
under Sections 366(A), 368, 120(B), 376, 34 of the Indian
Penal Code and Section 4 of POCSO Act.

3. Allegedly, petitioner is said to have forcibly solemnized
marriage with the informant's daughter and committed rape with
her for 15 days continuously.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to ulterior motive. The allegation
levelled against the petitioner is totally false and based on



concocted facts. The real fact is that the complainant tried her best to solemnize the marriage of her daughter with the petitioner, but when he refused for the same, the informant lodged the present case implicating the whole family of the petitioner. The medical report of the victim itself falsifies the prosecution case. There is inordinate and abnormal delay of more than six months in filing the complaint petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has alleged the involvement of co-accused Mustafa Ansari that he administered her intoxicating material and thereafter, boarded in a bus along with the petitioner, who took her to Jammu where this petitioner forcibly solemnized marriage with her and committed rape with her and later on 14.07.2022 on her insistence to let her free, he dropped her near Barauli P.S.

6. Considering the facts and circumstances of case as well as the statement of the victim recorded under Section 164



Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

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

(Anjani Kumar Sharan, J)

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