

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15379 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- TERHAGACHH District- Kishanganj

Arif Alam @ Arif @ Md. Arif S/o Khairul Resident of Village- Dahibhat, P.S.
Terhagachh, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Terhagachh P.S. Case No. 03 of 2023, registered on 11.01.2023 for the alleged offence under Sections 341, 323, 324, 325, 354, 376, 504 & 506 of the Indian Penal Code and Section 4 & 8 of the POCSO Act..

3. As per prosecution case, the informant used to do some menial job in the house of the petitioner. The allegation against the petitioner is that the petitioner committed rape with the informant and later on gave her allurements of marriage for not making any complaint. However, later on the petitioner refused to marry the informant and offered her Rs. 2 lakh which was refused by the mother of the informant and on her refusal

the informant and her mother were assaulted and threatened with life.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegations are false, frivolous and concocted. The occurrence took place on 20th of September, 2022 and panchayati was held on 23rd of September, 2022 but the F.I.R. was lodged on 11th of January, 2023, i.e. about three months later but there has been no explanation for the delay. The victim was medically examined and her age was found to be 16 to 18 years. The doctors also opined that no evidence of recent sexual intercourse or spermatozoa alive or dead was found on 19th of January, 2023. Learned counsel further submits that from the content of the present F.I.R. it appears that the present case has been lodged after denial of marriage proposal of the informant by the petitioner and his family. The petitioner is in custody since 31st of August, 2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the statement of the victim was accordingly recorded under Section 164 of the Cr.P.C. wherein she repeated her story and again

stated that the petitioner committed rape with her.

6. Having regard to the serious nature of allegation against the petitioner, I am not inclined to release the petitioner on bail.

7. Accordingly, the application for bail is rejected.

(Arun Kumar Jha, J)

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