

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17877 of 2024

Arising Out of PS. Case No.-31 Year-2022 Thana- KHIRHAR District- Madhubani

Amar Kumar S/o Late Mahavir Mandal R/o vill - Balarahi, P.S. - Khirhar,
Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in case registered for the offences punishable under Sections 376, 420 of the Indian Penal Code and Section 4, 8, 14 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution case, on 29.07.2021, younger brother-in-law of elder sister of the informant, namely, Amar Kumar entered in the room of the informant at night and forcibly made physical relation with her and when the informant protested, he told her that he would marry her and thereafter, sexually exploited her for two months. It is further alleged that when informant gave proposal of marriage, this petitioner refused to marry her.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. As a matter of fact, no occurrence, as alleged, has ever taken place and the entire prosecution case is false and concocted. He further



submits that the alleged occurrence took place on 29.7.2021 and F.I.R. has been lodged on 25.04.2022, after lapse of nearly 9 months from the date of occurrence. During investigation, none of the prosecution witnesses supported the prosecution case. He next submits that victim is relative of the petitioner as she is younger sister of Bhabhi of the petitioner. The victim was medically examined and doctor has found no medical evidence of sexual assault. Victim is now married and is living with her husband.

5. However, learned A.P.P. for the State vehemently opposed the bail application and submits that the victim has fully supported the case of the prosecution and has categorically stated under Section 161 Cr.P.C. that this petitioner established physical relationship with her and when she protested, petitioner said that he would marry the victim and later on, refused to marry.

6. Considering the nature of accusation and facts and circumstances of the case, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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