

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20044 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- KOTWA District- East Champaran

MUSTAK ALAM @ MUSTAK ANSARI Son of Anwar Ansari Resident of
Village-Kalyanpur Vrita, P.S.-Kotwa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. HASINA KHATOON Daughter of Alihasan Ansari Resident of Village-Kalyanpur Vrita, P.S.-Kotwa, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mrs.Nirmala Kumari, APP
For the Informant	:	Mrs. Nisha Verma, Advocate
		Mr. Vijay Shankar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 326 of 2023 registered under Sections 376/34 of the Indian Penal Code and Section 3,4 of the POCSO Act lodged on 03.09.2023 by the informant, Haseena Khatoon.

3. As per the FIR, the informant has alleged that on the pretext of marriage, the petitioner made physical relationship with her and later refused to marry. This was informed to the family members followed by *panchayti* and as the matter could not be materialized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits it was a



consented relationship and since the family members came to know about it, the FIR.

5. Learned counsel for the informant, on the other hand, submits that the victim under Section 164 of the Cr.P.C. has stated that though earlier relationship was made on the pretext of marriage once it was clear that he is not going to marry, despite protest, on the fateful day, he raped the informant. It is her further submission that the girl is minor.

6. Though, the FIR shows that it was a consented relationship between the informant and the accused, in view of the fact that he has subsequently alleged rape on 29.08.2023 as also the fact that she is a minor, it would be appropriate that the petitioner seek bail.

7. The Cr. Misc. No. 20044 stands rejected.

(Rajiv Roy, J)

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