

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33751 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- SATHI District- West Champaran

Ripu Sah son of Dhodhai Sah Village- Marahia Ps- Lauriya Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharda Devi, wife of Rameshwar Sah, Village- Haswaya Ps- Sathi Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the O.P. No.2	:	Mr. Sharad Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the opposite party no.2.

2. In the present case, the petitioner is apprehending his arrest in connection with Sathi P.S. Case No. 253 of 2023, registered on 27.10.2023 for the offences under Sections 323, 342, 354, 366(A), 452, 376 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, petitioner committed rape with the minor daughter of the complainant/informant.

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 general and



non-specific and FIR has been registered after much delay. For an occurrence of 02.08.2023, the FIR was lodged on 29.10.2023. Learned counsel further submits that the petitioner never met with the informant or her daughter and the daughter of the informant was not recovered from the petitioner. Informant and petitioner are related to each other and the informant wants to marry her daughter with the petitioner and on refusal, this false case has been lodged. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of opposite party no.2 oppose the submission made on behalf of the petitioner. Learned counsel submits that the statement of the victim was recorded under Section 164 of Cr.P.C., wherein she has stated that the petitioner established physical relationship with the minor daughter of the informant giving inducement of marriage and subsequently denied to marry her.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.



7. Accordingly, the prayer for anticipatory bail of the
petitioner is rejected

(Arun Kumar Jha, J)

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