

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37164 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- DURAULI District- Siwan

Pappu @ Pappu Paswan Son of Sakhichandra Manjhi Resident of Village -
Tadwa Parasia, P.S. - Darauli, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afshana Khatoon Daughter of Anil Ansari Village- Tandwa Parasia, Ps-
Darauli, Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Umeshanand Pandit, APP
	Mr. Manish Chandra Gandhi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-09-2024 Heard Mr. Gajendra Kumar Singh, learned counsel for
the petitioner, Mr. Umeshanand Pandit, learned A.P.P for the
State and Mr. Manish Chandra Gandhi, learned counsel
appearing on behalf of opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for offence under Sections 471, 376 of the Indian
Penal Code and Sections 4, 6 of the Protection of Children from
Sexual Offences Act.

3. As per prosecution case, this petitioner kidnapped
and forcibly solemnized marriage with the victim and thereafter,
continued to establish physical relation with her and on protest,
all the F.I.R. named accused persons including this petitioner
assaulted her by means of iron rod.



4. Learned counsel for the petitioner submits that as per F.I.R., the date of occurrence is 10.05.2021, but F.I.R. has been lodged after a delay of about 15 months on 01.08.2022 and there is no explanation of delay, which casts serious doubt on the veracity of prosecution case. As a matter of fact, there was love affairs between the petitioner and the victim (informant) and as such, they performed their marriage in an *Arya Samaj* temple. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner is named in the F.I.R. with specific accusation that he forcibly established physical relation with informant and married in an *Arya Samaj* temple. As per certificate, issued by Bihar School Examination Board, the date of birth of the victim is 12.07.2005 i.e. below 16 years at the time of alleged occurrence.

6. Considering the nature of accusation, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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