

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38011 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- JALALPUR District- Saran

Niraj Kumar @ Niraj Kumar Singh S/O Shri Ashok Singh R/O Village-
Rampur Nurnagar, Post- Kanhi, P.S.- Jalalpur, Dist- Saran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rashmi Kumari D/O Sanjay Sharma R/O Mahila Park, Mt Pg Harola Market
Sector 5, Noida, Uttar Pradesh

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 344, 323, 504, 506, 376, 313/34 of the Indian Penal Code to which Section 6 of the Protection of Children from Sexual Offences Act was added later on.

3. As per prosecution case, informant met this petitioner in the year 2017 and thereafter relationship developed between the parties. In the year 2018, petitioner took informant to his village and physically exploited her for 15 days and whenever informant protested, this petitioner threatened her to make her videos viral. In the year 2019, this petitioner brought



informant to Patna and promised to marry her. It is further alleged that this petitioner called her mother and convinced her for abortion. It is further alleged that after abortion, this petitioner took informant to Amritsar and kept her for 8 days and again established physical relationship. Thereafter, this petitioner took her to Bhopal where petitioner along with his family members threatened to kill informant and finally he refused to marry.

4. Learned counsel for the petitioner submits that petitioner is innocent as he has falsely been implicated in this case. Petitioner is brother of sister-in-law of informant. In fact, marriage of this petitioner was fixed with informant by their parents but in the meantime, photograph of informant with one other boy got surfaced after which parents of the petitioner refused to marry him with informant and in turn, informant lodged this false and concocted case against the petitioner to put pressure upon him to marry with her. He further submits that from perusal of the F.I.R. it is apparent that even if the entire allegation is accepted to be true, no case of rape is made out against the petitioner. Both parties were major and enjoyed each other's company and indulged in sexual act for years. Hence, the same cannot be said to be induced or involuntary. Lastly, it is



submitted that during pendency of the case, due to intervention of well-wishers and family members, the matter has been compromised between the parties and in this regard compromise petition has been filed on 21.03.2024 by informant before the court below (Annexure-P/3). Petitioner claims clean antecedent.

5. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional District Judge-VI-cum-Special Judge, POCSO, Saran at Chapra in connection with Jalalpur P. S. Case No. 251 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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