

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42116 of 2024

Arising Out of PS. Case No.-47 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

Md. Kamran @ Md. Rinku, son of Md. Rabul Garhotiya Po- Pithna Ps-
Lidipur Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shayara Bano W/O Md. Imam P.S.-Lodipur, Distt-Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Mumtaz Uddin, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar Singh, APP
For the Informant :	Mr. Swapnil Kumar Singh, Advocate
	Ms. Shweta, Advocate
	Mr. Pranjal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Mahila Thana Bhagalpur P.S. Case No. 47 of 2022 instituted under Sections 376, 341, 323 & 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. As per the prosecution case, the allegation against the petitioner is that he forcibly committed rape with the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that the victim is adult and the matter is



of love affair but due to ulterior motive, the informant has lodged the FIR against the petitioner. Learned counsel also submits that the victim and the petitioner have already been married having child of two months old.

5. Learned counsel for the informant submits that the petitioner forcibly committed rape with the victim and the victim herself supported the said fact in her statement recorded under Sections 161 and 164 of Cr.P.C before the Police and also before the Court Concerned respectively. Learned counsel further submits that the proceeding has already been initiated against the petitioner under Sections 82/83 of Cr.P.C. Learned A.P.P. for the State also opposes the prayer of the petitioner for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties and considering the allegation against the petitioner and the fact that he is absconding, this Court is not inclined to entertain anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for anticipatory bail is rejected.

7. However, it is made clear that if the petitioner surrenders before the Court Concerned within two weeks from today and file application for the regular bail before the Court



Concerned, the learned Court Concerned shall consider the matter without being prejudiced to the dismissal of this anticipatory bail.

(Sunil Dutta Mishra, J)

ashishkr/-

U		T	
---	--	---	--

