

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46824 of 2024

Arising Out of PS. Case No.-1259 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Salman Farsi @ Salman S/o Late Abdul Razzque R/o vill - Surajapur, ward
no. 10, P.S. - Amour, Distt. - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulharjun D/o Imamuddin R/o vill - Surajpur, ward no. 10, P.S. - Amour,
Distt. - Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1259 of 2022 registered for the
offences punishable under Section 376 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner is her neighbour and used to visit her
house, further after the death of her mother, she was staying
with her aged father, further in absence of her father, the
petitioner used to visit her, it is next alleged that on one day at



04:00 PM, the petitioner came when she was alone and raped her and when the complainant started crying, the petitioner assured that he will marry her and also took her in confidence by getting his name recorded on the *Aadhaar* Card of complainant as her husband and even got clicked together, further after some time, she disclosed her relationship to her family members and the petitioner assured her family members that he will marry her after the marriage of his sister, it is next alleged that petitioner on 29.05.2022 came and informed that his mother and brother are not permitting him to marry her, as such, she gave a complaint to SP, Purnea, but no action was taken, thereafter, it is alleged that one day while she was crossing the house of the petitioner when the accused persons including the petitioner assaulter her saying that she had instituted a case at Purnea against them, thereafter, a *Panchayati* was convened ,but accused did not turn up, as such, the instant complaint came to be instituted.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant, it is next submitted that from perusal of the complaint, it would manifest that the relationship was five years old, as such, it cannot be presumed that the complainant for five



years was being taken for a ride. It is next submitted that relationship was purely consensual between two consenting adults. It is further submitted that from perusal of the allegation as alleged in the complaint, it would also manifest that the complainant alleges that in absence of her father, also the petitioner used to visit, which amply demonstrates that the petitioner and the complainant were in relationship or else the complainant would have disclosed the said fact to her father that petitioner approaches her in his absence. It is next submitted that since mother and brother of the petitioner were not willing to get petitioner married to the complainant, as such, the present false case came to be instituted.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner and submits that one important aspect which cannot be missed is that a specific allegation is alleged in the complaint that petitioner got the *Aadhaar* Card of the complainant made and in the *Aadhaar* card he described himself as her husband, which amply demonstrates that petitioner had taken the complainant in complete confidence. It is next submitted that even the said allegation is not denied in the pleadings made in the anticipatory bail application. The learned APP fairly submits that no doubt



from allegation as alleged in the FIR, it would manifest that the allegation was consensual, but then since it is specifically alleged that petitioner described himself as her husband on her *Aadhaar* Card and the said allegation is not denied, which amply demonstrates that complainant had complete faith in the petitioner that he would marry her.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the present anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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